



# **“LEGAL MODERNIZATION OF GUARDIANSHIP AND TRUSTEESHIP IN UZBEKISTAN: DIGITAL TRANSFORMATION AND INTERNATIONAL STANDARDS”**

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<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> 30 <sup>th</sup> October 2025 <b>Accepted:</b> 28 <sup>th</sup> November 2025	This article examines the need to modernize the Law of the Republic of Uzbekistan “On Guardianship and Trusteeship” in response to contemporary social changes, digital transformation, and international legal standards. The study analyzes the existing legal framework through comparative legal, institutional, and international approaches, with particular attention to digitalization, electronic governance, and the potential use of artificial intelligence in guardianship practices. Based on foreign experience from Europe, the United States, Russia, and Kazakhstan, the article identifies key shortcomings in current legislation and proposes evidence-based recommendations aimed at enhancing transparency, efficiency, and the protection of the rights of children and other persons in need of guardianship.

**Keywords:** guardianship and trusteeship, digitalization of social protection, artificial intelligence in law, child protection, foster care, comparative legal analysis, international standards, Uzbekistan legislation.

## **INTRODUCTION**

The Law of the Republic of Uzbekistan “On Guardianship and Trusteeship” (hereinafter referred to as the Law) was adopted in 2014 and established a unified regulatory framework governing relations in the field of guardianship and trusteeship<sup>1</sup>. The Law consists of nine chapters and fifty articles and was developed on the basis of both national and international experience. By creating a comprehensive institutional framework aimed at protecting the rights and legitimate interests of children in need of guardianship, the Law systematized legal norms that had previously been fragmented and dispersed across the Civil Code and the Family Code.

However, more than a decade has passed since the adoption of the Law, and significant social changes, along with the rapid development of digital technologies, have created the need to reconsider and further improve this legislation in line with contemporary requirements.

This article analyzes the relevance of modernizing the Law of the Republic of Uzbekistan “On Guardianship and Trusteeship” through digitalization, electronic

governance mechanisms, and the introduction of artificial intelligence technologies. Based on scholarly views, international trends, and examples of foreign practice, the article proposes a set of recommendations aimed at enhancing the effectiveness and adaptability of the guardianship and trusteeship system.

## **METHODOLOGY**

This scientific study is devoted to the improvement of the institution of guardianship and trusteeship in accordance with modern requirements, addressing a complex issue located at the intersection of legal and social sciences. In analyzing the relevant legislation, the study effectively employs comparative legal, systemic, analytical, and forecasting methods.

The research methodology is based on the following key approaches.

**First**, legislative analysis. The current Law of the Republic of Uzbekistan “On Guardianship and Trusteeship,” including its core provisions adopted in 2014, as well as normative legal acts adopted within the framework of recent institutional reforms (in particular, Resolution No. 893 of the Cabinet of Ministers of 2024),

<sup>1</sup> National database of legislative data, 21.04.2021, No. 03/21/683/0375, 22.10.2021, No. 03/21/723/0983; 12.04.2023 й, No.03/23/829/0208



were subjected to substantive analysis. The legal norms were examined in comparison with existing social relations and ongoing institutional changes.

**Second**, institutional and structural analysis. Institutional transformations within the system of guardianship and trusteeship authorities specifically, the transition to “Inson” Centers within the framework of the National Agency for Social Protection were comparatively analyzed in relation to inconsistencies identified in the current legislation.

**Third**, comparative legal analysis. The legislation on guardianship and trusteeship of such countries as Russia, Kazakhstan, France, Germany, the United States, and the United Kingdom was examined. Advanced practices, mechanisms, and institutions implemented in these jurisdictions including foster care arrangements, judicial oversight, electronic monitoring systems, guardianship councils, and related mechanisms were compared with the relevant provisions of national legislation.

**Fourth**, analysis of compliance with international standards. The level of implementation of international norms into national legislation was assessed, including the United Nations Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities (CRPD), the 2009 UN Guidelines for the Alternative Care of Children, and other relevant international instruments.

**Fifth**, analysis of academic literature and expert opinions. Scholarly works by national and foreign researchers, including Sh. Shamshetov, F. Urmanbaeva, and N. M. Yershova, were analyzed, and their theoretical approaches and proposals were engaged through academic discussion and critical reflection.

**Sixth**, the application of information technologies and digitalization tools. The study explored the possibilities of introducing artificial intelligence technologies, electronic databases, and digital platforms such as the “Unified Social Protection Information System” into the guardianship and trusteeship system, with particular attention to their legal implications.

Through these methodological approaches, the article substantiates, from both scientific and practical perspectives, the necessity of modernizing the Law “On Guardianship and Trusteeship” through digitalization and the integration of international best practices. The complexity and multi-layered nature of the methodology ensures comprehensive coverage of the legal, institutional, and technological dimensions of the issue under study.

## RESEARCH FINDINGS

At present, digitalization processes are developing at a rapid pace in the fields of public administration and social protection. However, in practice, the guardianship and trusteeship sector continues to be dominated by traditional bureaucratic approaches, with data management still largely conducted in paper-based form. For example, the identification of individuals in need of guardianship and the appointment of guardians require information exchange among multiple institutions; nevertheless, a unified electronic database has not been fully established. This situation has resulted in delays in data transmission and, in some cases, children being overlooked by the system, as noted in previous assessments<sup>2</sup>.

Indeed, instances have been identified in which children deprived of parental care remained temporarily without adequate supervision due to insufficient attention at the local level, leading to delayed appointments of guardianship. Consequently, within the framework of improving legislation, the establishment of a unified electronic database containing comprehensive information on each child under guardianship is considered an urgent and necessary task.

In this regard, a draft Presidential decision adopted in 2019, aimed at reforming the activities of guardianship authorities, set forth the objective of creating an interagency electronic cooperation system<sup>3</sup>. According to this initiative, an electronic information exchange system between guardianship and trusteeship bodies was envisaged in order to enhance institutional efficiency and transparency.

Over the subsequent period, certain measures have been implemented in this direction. In particular, by the end of 2024, the state reformed the system of social protection for children, resulting in the abolition of guardianship and trusteeship commissions operating under district (city) administrations. Their powers were transferred to newly established “Inson” Social Services Centers. As a result, social workers operating at the mahalla (local community) level are now responsible for working with children deprived of parental care and for conducting regular monitoring of the conditions of children placed under guardianship.

This institutional change represents a significant development that must be clearly reflected in the legislation. Previously, guardianship authorities functioned within the structure of public education

<sup>2</sup> <https://yuz.uz/oz/news/96178>

<sup>3</sup> <https://kun.uz/kr/34928741?q=%2F34928741>



departments; however, they have now been reorganized as district (city) "Inson" Centers under the National Agency for Social Protection operating under the President of the Republic of Uzbekistan<sup>4</sup>.

From the perspective of digitalization, the most significant step is the introduction of a unified information system. By Resolution No. 893 of the Cabinet of Ministers dated 27 December 2024, the "Unified National Social Protection" information system was launched, and it was made mandatory to include comprehensive data on orphaned children and children deprived of parental care within this system. Through this platform, mechanisms are being introduced to maintain electronic records of children's personal data, health status, information on guardians or trustees, as well as the property owned by the child. Henceforth, the authorized body the "Inson" Center of the National Agency for Social Protection forms an electronic social case file for each child, monitors the child's living conditions, and assesses the extent to which the guardian fulfills their statutory obligations.

Accordingly, digitalized oversight contributes to strengthening compliance with legal requirements. In other words, in the process of improving the legislation, it is essential to incorporate provisions regulating this information system, to legally formalize electronic document circulation, and to clearly define measures for data protection.

With regard to the introduction of artificial intelligence technologies, it is equally important not to lag behind international trends. In several developed countries, algorithmic models are being tested within child protection systems for data analysis and predictive purposes.

For example, in the United States, certain social services apply AI-based risk assessment systems to classify children with disabilities or those from disadvantaged families as belonging to "risk groups," which is considered to facilitate the early identification of children in need of guardianship<sup>5</sup>. At the same time, U.S. legal scholars actively debate the legal and constitutional risks associated with the use of AI technologies in family law matters. In particular, the

American scholar V. Benton raises questions concerning the standards of transparency and fairness that artificial intelligence based decisions must satisfy<sup>6</sup>.

In the context of Uzbekistan, the introduction of artificial intelligence into the field of guardianship and trusteeship should be implemented gradually and in a phased manner. Nevertheless, in the future, opportunities may emerge to automatically analyze risk factors affecting children in need of guardianship and to use expert systems to facilitate the matching of such children with suitable guardian families.

In order to apply these technologies in improving the Law "On Guardianship and Trusteeship," it is advisable to establish an appropriate legal framework in advance. This may include, for example, the introduction of legal provisions regulating pilot testing procedures for artificial intelligence tools that generate recommendations based on data contained in information databases. At the same time, particular attention must be paid to fundamental principles such as data confidentiality and the preservation of human oversight over decision-making processes.

Issues related to the improvement of the legal institution of guardianship and trusteeship have consistently remained the focus of legal scholars over time. Prior to the adoption of the Law, academic literature emphasized that legal norms governing this area were scattered across various legislative acts, which created significant difficulties in practice.

In particular, the national scholar Sh. Shamshetov, in his 2016 academic article, analyzed the problems of legal regulation of guardianship and trusteeship in Uzbekistan and noted the absence of a clear definition of guardianship authorities in various normative legal acts. He also pointed out that guardianship mechanisms for certain categories of persons such as adults declared legally incapacitated by a court or adults unable to exercise their rights due to health conditions were insufficiently elaborated<sup>7</sup>.

Furthermore, the limited range of placement options for persons in need of guardianship was criticized, including the absence of mechanisms such as temporary guardianship or preliminary placement under

<sup>4</sup> National database of legislative data, 06.01.2026, No. 09/26/840/0012

<sup>5</sup><https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/winter2024-algorithmic-decision-making-in-child-welfare-cases/>

<sup>6</sup> <https://northernkentuckylawreview.com/blog/when-artificial-intelligence-algorithms-decide-family-fate-ai-in-child-welfare-and-custody-determinations>

<sup>7</sup> Шамшетов Шарафатдин Сарсенович Опека и попечительство по законодательству Республики Узбекистан // НАУ. 2016. №4 (20). URL: <https://cyberleninka.ru/article/n/opeka-i-popechitelstvo-po-zakonodatelstvu-respubliki-uzbekistan> (дата обращения: 31.01.2026).



guardianship. The scholar emphasized the necessity of adopting a special law to eliminate these shortcomings and indicated that, on this basis, a draft of the new law had been developed<sup>8</sup>.

Indeed, with the adoption of the new Law, the concept of a "guardianship and trusteeship authority" was formally introduced for the first time, and the procedures for appointing guardians and trustees, as well as the mechanisms for protecting the property rights of persons under guardianship, were clearly defined. In this sense, it can be stated that previous legal gaps were addressed through cooperation between lawmakers and scholars.

At the current stage of adapting the Law to new conditions, scholarly recommendations continue to play a crucial role. For instance, in her 2023 study, the national scholar F. Urmanbaeva emphasized the complex nature of the guardianship institution, characterizing it as an institution situated at the intersection of family law and civil law<sup>9</sup>.

According to her analysis, relations of guardianship, trusteeship, and foster care encompass not only issues related to the care and upbringing of children but also the property relations of persons under guardianship. Therefore, these aspects must be duly taken into account in the process of legal regulation.

Indeed, the institution of guardianship simultaneously includes both personal care for the individual such as the education, upbringing, and health of a child under guardianship and the management of that individual's property. In the current version of the Law, these aspects are regulated in Chapters 7 and 8, which establish mechanisms for oversight by guardianship authorities over the management of property by guardians, as well as rules for protecting the property rights of persons under guardianship.

However, in the context of an increasingly digitalized environment, more precise and practical measures may be required to ensure effective guarantees of both property and personal rights of persons under guardianship. Scholars, including F. Urmanbaeva, refer to foreign practices and note that the institutional functions of guardianship authorities

are firmly закреплены in the civil codes of countries such as France and Spain<sup>10</sup>.

At the same time, the Russian scholar N. M. Yershova has engaged in academic debates regarding the role of state supervision in the implementation of guardianship and the limits of restricting the rights of guardianship subjects, examining these issues also from the perspective of civil-law and procedural representation<sup>11</sup>.

These scholarly discussions serve as an important theoretical foundation for improving national legislation. For example, the issue of assessing and preparing candidates for guardianship appointments is particularly illustrative. Within the framework of the 2019 reforms, additional staff positions for guardianship inspectors were allocated at the district level, with the requirement that such positions be filled by specialists possessing qualifications in psychology, law, and social work. Scholars have likewise consistently emphasized the necessity of providing prospective guardians with specialized training courses and of assessing their psychological and pedagogical readiness.

Under the new conditions, these requirements have become even more relevant. Candidates for guardianship should be trained through educational programs organized under the auspices of the "Inson" Centers, and their information may also be verified with the assistance of artificial intelligence technologies (for example, electronic data on the absence of a criminal record, health status, and other relevant information). In this regard, it is necessary to introduce clear legal provisions into the Law. In particular, rules governing the maintenance of an electronic register of guardianship candidates and the procedure for issuing assessments for each candidate may be developed on the basis of scholarly recommendations.

Another important aspect is the analysis of law enforcement practice in the field of guardianship and trusteeship. Scholars often focus on those points where the application of legal norms encounters difficulties in practice. Specifically, the legislation establishes a one-month period for appointing guardianship in practice (covering procedures following the identification of a

<sup>8</sup>

[https://www.norma.uz/parlament/sovershenstvovanie\\_popechitelstva](https://www.norma.uz/parlament/sovershenstvovanie_popechitelstva)

<sup>9</sup> Urmanbayeva, F. (2023). Guardianship and guardianship authorities in the legislation of foreign countries and Uzbekistan. *Society and Innovation*, 4(1/S), 131-135. <https://doi.org/10.47689/2181-1415-vol4-iss1-pp131-135>

<sup>10</sup> Urmanbayeva, F. (2023). Guardianship and guardianship authorities in the legislation of foreign countries and Uzbekistan. *Society and Innovation*, 4(1/S), 131-135. <https://doi.org/10.47689/2181-1415-vol4-iss1-pp131-135>

<sup>11</sup> Yershova N.M. Problems of civil law regulation of personal and property relations in the family sphere: Diss. ... doct. jurid. Sciences. Moscow, 1979. p. 97.



child in need of guardianship). Sh. Shamshetov has noted that, in certain cases, this period may be excessively long and may adversely affect the best interests of the child.

Indeed, when a child is left without parental care, it is critically important to place the child in a temporary family environment as quickly as possible. The form of "preliminary guardianship" introduced within the framework of recent reforms is aimed at addressing this issue, as it enables the prompt appointment of a temporary guardian for any category of persons in need of guardianship.

In recent years, a number of foreign countries have implemented comprehensive reforms in the field of guardianship and trusteeship, and their experience is of significant importance for improving national legislation. In particular, the Russian Federation adopted the Federal Law "On Guardianship and Trusteeship" in 2008. This Law redefined the powers of guardianship authorities in Russia and introduced new legal concepts.

For example, the procedures for placing persons in need of guardianship into "temporary families" and for managing the property of persons under guardianship were clarified. The Russian law also established a number of safeguards aimed at preventing abuse of obligations by guardians and trustees.

In particular, guardians are required to submit annual reports on their activities; they are prohibited from concluding major transactions on behalf of persons under guardianship without the consent of the guardianship authority; and public oversight commissions operate under guardianship authorities to monitor guardians' treatment of children<sup>12</sup>.

Similar mechanisms are reflected in the Law of the Republic of Uzbekistan "On Guardianship and Trusteeship"; however, they have not yet been fully implemented in practice. For instance, although Uzbek legislation also provides for the obligation of guardians to submit reports (Chapters 6 and 7), the form and procedure for submitting such reports are regulated by subordinate legislation.

In contrast, in Russia, specific reporting forms and deadlines are established by law, along with procedures for reviewing guardians' reports and adopting appropriate measures. Accordingly, it is necessary to expand the supervisory powers of guardianship authorities in Uzbekistan on the basis of foreign experience. In particular, it would be

appropriate to legally establish a rule requiring guardianship authorities to conduct periodic visits to the home (family) where a child under guardianship resides, to carry out monitoring, and to prepare an electronic report (act) documenting the results. In several countries, such a procedure is enshrined in law.

The experience of neighboring Kazakhstan is also worthy of attention. In Kazakhstan, issues of guardianship are regulated by the Code "On Marriage and Family" (2011), as well as by relevant governmental resolutions.

In 2014, with the aim of improving the child protection system, guardianship functions in Kazakhstan were transferred from educational authorities to a specialized body the Committee for the Protection of Children's Rights.

Subsequently, in 2022–2023, further reforms were implemented in this area, resulting in the integration of guardianship and foster care services with the social protection sector. In particular, children's data in Kazakhstan have been incorporated into a unified national database the "Balapan" information system under which each orphaned child is assigned a personal identification number (ID). In addition, state subsidies for the development of the foster care institution are legally guaranteed.

Such innovations are also of interest for Uzbekistan. It would be possible to provide, at the legislative level, for the development of the foster (adoptive) family institution, including state financial incentives for families taking children under guardianship and the establishment of a system of methodological support for such families. Currently, national legislation recognizes the concept of foster care; however, its mechanisms are not fully elaborated. Drawing on foreign experience, proposals may be developed to expand the concept of "family-based care" and to introduce legal norms governing the monitoring and training of foster families.

When examining European countries, it can be observed that in most of them the institutions of guardianship and curatorship are regulated within civil codes.

For example, the French Civil Code contains separate sections governing guardianship and curatorship for legally incapacitated adults. In France, guardianship is appointed by a court, and for each guardianship case a special "family council" (Conseil de famille) is established. This council supervises the activities of the guardian and approves key decisions.

<sup>12</sup> Seitniyazov K.P. Representation in civil law and the problems of its implementation: a dissertation written to

obtain the academic degree of Master of laws. - Tashkent: 2014. – B. 31-32.



Within this model of collective oversight, close relatives of the child are also involved in the decision-making process.

In Germany, the guardianship reform that entered into force on 1 January 2023 (the reform of the Betreuungsgesetz) introduced the concept of "supported decision-making" for adults in need of guardianship. Under this approach, when appointing a guardian (Betreuer), the wishes of the person concerned must be taken into account, and the guardian is obliged to make decisions in accordance with that person's life values and preferences.

These developments demonstrate that the prevailing European trend is to transform guardianship into a form that imposes fewer restrictions on human dignity and personal autonomy.

In Uzbekistan, particularly with regard to adult guardianship, it would be appropriate to study the experience of Germany and other European countries and to introduce legal mechanisms allowing individuals, prior to the appointment of a guardian, to express their will through instruments such as advance directives or social advance statements, including the right to designate a preferred guardian in advance.

In the United States, laws on guardianship differ across states; however, the general trend is toward strengthening judicial oversight and increasing accountability in the appointment of guardians for elderly persons and persons with disabilities.

For instance, in certain states, a "National Guardianship Registry" has been established, requiring each appointed guardian to register and to submit annual financial reports.

In the United Kingdom (England and Wales), the institution of guardianship is exercised through a specialized judicial body the Court of Protection and an administrative authority known as the Office of the Public Guardian. These bodies appoint and supervise guardians (deputies). Under the Mental Capacity Act 2005, UK legislation recognizes the right of individuals, even where their mental capacity is limited, to issue advance instructions or to appoint a trusted representative.

Thus, foreign experience demonstrates that the key directions in the development of guardianship and trusteeship systems include strengthening state oversight through electronic technologies (such as registries and information systems), legalizing alternative forms of guardianship (including foster care and temporary guardianship), and transitioning to mechanisms that максимально preserve the rights and freedoms of the individual. In our view, the

modernization of national legislation should actively draw upon these foreign innovations.

## **CONCLUSION**

The analysis conducted above demonstrates that improving the Law of the Republic of Uzbekistan "On Guardianship and Trusteeship" in accordance with contemporary requirements constitutes an urgent and relevant task. In this regard, and drawing on foreign experience, it is proposed to introduce the following provisions into the Law.

**First**, under conditions of digitalization and electronic governance, it is necessary to incorporate into the Law legal norms reflecting the new institutional structure of guardianship authorities namely, the "Inson" Centers operating under the National Agency for Social Protection as well as provisions regulating the unified information system. Legal guarantees concerning electronic document circulation and the scope of data included in information databases should be clearly закреплены at the legislative level. This would reduce bureaucratic barriers in practice and enhance the efficiency of identifying and placing persons in need of guardianship.

**Second**, it is essential to establish a legal framework for the introduction of artificial intelligence and modern technologies. In particular, the Law may grant guardianship authorities the power to monitor the condition of children and carry out preventive measures through information technologies. Legal scholarship has also noted that the introduction of electronic oversight mechanisms into the activities of guardianship authorities may contribute to ensuring the enforcement of judicial decisions.

**Third**, consideration of scholarly opinions and academic recommendations plays a crucial role in improving legislation. As noted above, national scholars such as Sh. Shamshetov and F. Urmanbaeva have proposed a range of measures, including the training of guardianship candidates, the introduction of temporary guardianship, clarification of the institutional status of guardianship authorities, and other related reforms. Although some of these proposals have been partially reflected in the Law, they have not yet been fully implemented. Taking into account the views expressed in academic discourse, it is proposed to develop a revised version of the Law.

**Fourth**, international standards concerning the child's right to live in a family environment and the rights of persons with disabilities to participate in decision-making processes should be explicitly reflected in legal provisions. This approach would also be



consistent with Uzbekistan's international obligations and its standing in the global legal community.

**Fifth**, based on foreign experience, new legal institutions and mechanisms may be introduced into the Law. These include, inter alia, establishing judicial procedures for the appointment of guardians, legally guaranteeing state support for foster families, and strengthening safeguards against the abuse of the rights of persons under guardianship.

In conclusion, the institution of guardianship and trusteeship functions as a vital social protection mechanism safeguarding the interests of the most vulnerable members of society persons in need of assistance. As an expression of the state policy centered on the principle of "Human Dignity," the modernization of this institution, its enhancement through digital technologies, and its harmonization with international standards constitute a significant investment in the protection of future generations.

Legislative reforms should increase the effectiveness of guardianship and trusteeship activities and ensure that they are prompt, transparent, and fair. To this end, it is recommended that relevant ministries and agencies, legal scholars, and representatives of civil society collaborate in preparing scientifically substantiated amendments and additions to the Law and in adopting them through an evidence-based approach. If the analytical conclusions and sources presented in this article are taken into account, the revised version of the Law may serve as a comprehensive modern legal instrument that responds both to national practical challenges and to international standards.

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