

## PRE-TRIAL DISPUTE RESOLUTION THROUGH MEDIATION: NEW ROLES OF THE NOTARY IN THE SERVICE OF SOCIETY THE COMPARATIVE LEGAL ANALYSIS OF UZBEKISTAN AND ARMENIA

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**Abstract.** This article examines modern approaches to pre-trial dispute resolution through mediation, with a particular emphasis on the new functions of the notary in this process. It analyzes the legal mechanisms for interaction between mediation and the notary profession in the context of ensuring sustainable and effective justice and preventing excessive judicial burden. Particular attention is given to a comparative legal analysis of the legislation of Uzbekistan and Armenia, which have seen active reforms in the field of alternative dispute resolution in recent years. The study explores how the institutional integration of notaries into mediation procedures contributes to greater legal certainty, procedural efficiency, and accessibility of justice for citizens and businesses. The author emphasizes that notarization of mediation agreements plays a key role in ensuring their legal validity and the trust of the parties and also strengthens the preventive function of the notariat in protecting citizens' rights and the rule of law. Furthermore, the article discusses the practical advantages of granting enforcement power to notarized agreements, reducing litigation state costs, accelerating dispute settlement, and promoting a culture of dialogue and compromise

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The article received 10 September 2025,  
reviewed 25 November 2025,  
accepted for publication 05 December 2025



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within society. These developments demonstrate the growing importance of the notary as an independent legal guarantor within modern systems of alternative dispute resolution.

**Keywords** - *dejuridisation, mediator, mediation agreement, notariat, notary, preventive justice.*

## INTRODUCTION

Today in a civilized society, it is impossible to imagine the resolution of a conflict between the parties without the participation of a third party, with the help of which it would be possible to reconcile the parties, depending on the content of the dispute, its subjects, scope and its moral side.

Ten years ago such a statement of the question as 'mediation in the practice of a notary, in the practice of a notary, a lawyer, a court' would at least have caused surprise, at most - rejection. It seems that all the words are clear, but it would have been difficult to connect and present the terms together, would probably be difficult. Now it is our reality.

It is expected that the institutional strengthening of pre-trial dispute resolution mechanisms through mediation in the Republic of Uzbekistan and the Republic of Armenia will contribute to the development of a more effective, flexible, and accessible system for protecting the rights and legitimate interests of civil society participants. Furthermore, granting notaries new powers in mediation—specifically, to certify mediation agreements and participate in the process as a neutral intermediary—will increase legal certainty, ensure the sustainability of agreements reached by the parties, and reduce the burden on the judiciary. Thus, the integration of notaries into the mediation system may become a key factor in the development of pre-trial forms of conflict resolution and strengthening public trust in legal institutions.

The purpose of this study is to conduct a theoretical, legal, and comparative analysis of the institution of pre-trial dispute resolution through mediation in the Republic of Uzbekistan and the Republic of Armenia, as well as to identify new roles for notaries in this system as a legal mechanism for enhancing the effectiveness of protecting the rights and legitimate interests of individuals and legal entities. To achieve this goal, the following tasks are expected to be accomplished: analyze the legal framework governing the institution of mediation and notary services in Uzbekistan and Armenia, identify existing approaches to notary participation in pre-trial dispute resolution procedures, compare models of mediation and notarial participation in both legal systems, evaluate the effectiveness of existing legal mechanisms for certifying mediation agreements and their legal force, substantiate the need to expand the functions of notaries in the

field of mediation, and formulate proposals for improving legislation and law enforcement practice in order to increase the accessibility of and trust in pre-trial forms of dispute resolution.

Due to the purpose of the research, general scientific methods of induction, deduction, analysis, synthesis and others were used during the research, as well as private scientific, system-structural, legal comparative methods.

## **1. THE MAIN RESEARCH**

With the adoption of the Law "On mediation" in the Republic of Uzbekistan, from 03.07.2018 № 3PY 482, mediation has become one of the developing institutions. To date, it extends to relations related to the application of mediation to disputes arising out of civil legal relations, including in business activities, as well as labor disputes and disputes arising out of civil legal relations, including disputes arising out of family legal relations, unless otherwise provided for by law.

In the Republic of Armenia, the legal basis for the institution of mediation was established by the adoption of Law №ՀՕ-351-Ն "On Mediation" on June 13, 2018, marking a significant step toward the development of alternative dispute resolution. According to the Law, mediation may be used to resolve disputes arising from civil, family, and labor relations, as well as, in cases provided for by law, other types of legal conflicts.

In both the Republic of Uzbekistan and the Republic of Armenia, mediation can be conducted in two forms: extrajudicial and judicial. In Uzbekistan, mandatory pre-trial mediation procedures have been established for certain categories of disputes. This applies in particular to investment disputes arising from foreign investors' activities in the country, as well as collective labor disputes. This practice is aimed at ensuring more effective, cost-effective, and expeditious conflict resolution. In Armenia, starting July 1, 2025, mediation also became a mandatory step, with the exception of cases stipulated by law<sup>3</sup>, before trial in certain categories of family cases. This initiative is being implemented as part of a state campaign under the slogan "Arguing is difficult, reconciling is smart," reflecting the ideology of peaceful dispute resolution. This practice demonstrates the commitment of both countries to implementing preventive conflict resolution mechanisms, where mediation plays a special role as a tool for legal and social stabilization.

Under procedural legislation of Uzbekistan, mediation is applied before the court is removed to the deliberation room in the court of first instance. The general

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<sup>3</sup> <https://www.moj.am/article/4392>

term of mediation is up to 30 days, which may be extended for a further 30 days. If the court is provided with an agreement to conduct mediation proceedings are suspended for up to 60 days. If a mediation agreement is concluded at this stage, the state fee paid is refundable.

According to the Civil Procedure Code of Armenia, mediation may be used at any stage of the proceedings, both in the court of first instance and in the appellate court. In Armenia, the initial mediation period ordered by the court cannot exceed three months. This period may be extended only once through joint mediation of the parties, for up to six months<sup>4</sup>. Thus, the maximum mediation period ordered by the court in Armenia is nine months. In Armenia, if the court orders mediation and the parties reach a settlement agreement within the time limit set by the court for conducting the mediation, the state fee paid is refunded.<sup>5</sup>

In Uzbekistan Mediation may also be applied at the stage of compulsory execution of judicial acts. In enforcement proceedings mediation is carried out only by professional mediators within a period of up to 15 days. Court costs are not refundable. In Armenia, there are no specific rules governing the use of mediation in the enforcement of judicial decisions. However, during enforcement proceedings, the parties have the right to enter into a settlement agreement. In Armenia, the enforcement officer terminates enforcement proceedings if the claimant and the debtor have entered into a settlement agreement and it is approved by the court. If enforcement proceedings are initiated by a notary with a claim for the recovery of funds, the notary terminates the enforcement proceedings.<sup>6</sup>

Currently, the legal framework for mediation in various legal systems is becoming increasingly important in the context of the development of alternative dispute resolution. In the Republic of Uzbekistan, mediation is governed by a set of 57 legal acts, including five codified acts: the Civil Code, the Civil Procedure Code, the Economic Procedure Code, the Tax Code, and the Labor Code. Furthermore, provisions related to mediation are contained in 12 separate laws, demonstrating a multi-layered and comprehensive approach to the legal framework for this institution.

In the Republic of Armenia, mediation is legally defined in 10 legal acts, five of which are also codified. These include the Civil Procedure Code, the Civil Code,

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<sup>4</sup> Part 1 of Article 184, Article 185 of the Civil Procedure Code of the Republic of Armenia №0- 110-N of February 9, 2018, source: OIRA 2018.03.05/16(1374) Art.208 – Legal Information System of Armenia: <https://www.arlis.am/hy/acts/206786>.

<sup>5</sup> Part 2 of Article 187 of the Civil Procedure Code of the Republic of Armenia.

<sup>6</sup> Clause 1, Part 1, Article 8 of the Law of the Republic of Armenia №0-221 “On Compulsory Execution of Judicial Acts” of May 5, 1998, original source: MIRA 1998.06.15/12(45) – Armenian Legal Information System <https://www.arlis.am/hy/acts/210008>.

the Family Code, the Labor Code, and the special Law of the Republic of Armenia "On Mediation," which contains the fundamental legal provisions defining the goals, principles, and procedures for mediation, as well as the status of mediators.<sup>7</sup>

### The use of mediation in courts in Uzbekistan

#### Statistics on the abandonment of economic and civil cases in the courts in connection with the conclusion of a mediation agreement

	Civil courts	Economic courts
2020	150	435
2021	1 166	2 013
2022	3 256	3 561
2023	2 221	5 125
<b>Total in 2020-2023</b>	<b>6 793</b>	<b>11 134</b>
Dynamic of growth (2020-2023)	X15	X12
In compare with court burden in 2023	0.2%	1.8%

Mediators are divided into professional and non-professional mediators. Non-professional mediators provide services free of charge. A professional mediator is a person who has undergone special training, certification and is registered in the register of professional mediators.

In Uzbekistan entry into the register of professional mediators until 2023 used to be an in-person procedure, which is now carried out electronically through public service centers and the Single Portal of Interactive Public Services<sup>8</sup> (previously this procedure was carried out in the traditional format through the justice authorities). The period for entering the register of professional mediators has been reduced from ten to three days.

Based on the results of the third quarter of 2025, 3000 people are registered in the register, with about 50 per cent of them being notaries (1049 notaries).

According to the legislation of Armenian, notaries are not authorized to engage in mediation. However, notaries regularly use mediation and conciliation tools in their notarial work, including notarizing transactions, handling inheritance cases, and providing consultations. It should be noted that notaries in Armenia do not have the right to certify settlement agreements reached as a result of mediation.

<sup>7</sup> Law of the Republic of Armenia No. 351-N "On Mediation" of June 13, 2018, source: MIRA 2018.07.04/52(1410) Art. 785 – Legal Information System of Armenia <https://www.arlis.am/hy/acts/171903>.

<sup>8</sup> Resolution of the Cabinet of Ministers No.544 of 17 October 2023 "Approving the administrative regulations for the provision of State services for inclusion in the register of professional mediators".

Although notaries in Armenia have the right to certify both contracts provided for by law or other legal acts and contracts not provided for by law, notaries do not have the specific authority to certify settlement agreements concluded as a result of mediation as transactions. At the same time, it should be noted that notaries in Armenia have the right to draft transactions or other legal documents as a notarial service. This means that mediators or parties to mediation currently have the right to contact a notary and receive the texts of settlement agreements drafted by notaries as a notarial service.<sup>9</sup>

But in Uzbekistan the situation is different, today practically every notary professionally or by naivety uses a certain set of mediation tools, and since 14 January 2020<sup>10</sup> in the Republic of Uzbekistan mediation has penetrated into notarial activity in the form of a specific notarial action - certification of a mediation agreement.

In the notarial field, notary mediators concluded approximately 300 mediation agreements between 2020 and the third quarter of 2025.

The above mentioned mediation agreements resolved disputes arising between the parties on the basis of mortgage agreements, inheritance disputes, division of property of spouses and matrimonial disputes.

In modern science there is a lot of theoretical research devoted to mediation in notarial activity, the practice of mediation is also developing. Notaries unknowingly perform certain actions of mediatory nature. Most notaries intuitively and by accumulated experience use and apply in practice conflict resolution, negotiation and communication skills. These skills in their turn are mediator's tools, without which it would not be so easy in situations when something needs to be clarified, settled, and discussed.

But there are notaries in the Republic of Uzbekistan, who do this on a professional level. They are those who have undergone professional training and received additional mediator education. They systematically and meaningfully use the acquired knowledge, skills and abilities in their practice.

The role of a notary and his main task is to ensure the legal security of the acts (transactions, facts or documents) certified by him.

The notary's activity in many respects proceeds the moment of signing a transaction (contract, agreement). He needs to check the totality of legal norms applicable to the contract, to make sure that the necessary imperative rules are

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<sup>9</sup> Law of the Republic of Armenia "On Notariat" No. 274 of December 4, 2001, source: MIRA 2002.01.10/2(177) art.2 – Legal Information System of Armenia: <https://www.arlis.am/hy/acts/190406>

<sup>10</sup> Law of the Republic of Uzbekistan No.602 dated 14 January 2020 // National Database of Legislation// 15 January 2020, No. 03/20/602/0052.

observed and fully understood by the parties to the act, to control the validity of the will of the parties with full understanding of the essence and consequences of the accepted obligations. As a result, it is mandatory for the notary to correctly formalize and disclose the will of the parties, ensuring that the will and the expression of will correspond.

This constant preliminary control makes it possible to avoid many conflicts, the risk of which is significantly increased in its absence, which can be used in mediation practice.

In the exercise of his public powers, the notary is bound by strict ethical rules, the observance of which inevitably leads him along a path that guarantees legal and social harmony. In particular, it concerns the fulfillment by the notary-mediator of the following duties:

1) The notary-mediator is obliged to maintain objectivity. The role of the notary is to be the lawyer of the case and not of the client. The notary shall give advice and counseling in the general interest of all parties present in the transactions to be performed, which may include, for example, a mediation agreement.

2) The notary-mediator is impartial. The notary's task, which is often difficult to fulfill, is to treat all interested parties equally: he must ensure that the advice given and the checks carried out are the same for all parties to the act to be certified. It is unacceptable for a mediating notary to take the side of one of his clients in order to act against another.

3) The notary-mediator is an instrument of balance between the parties in the mediation process. He must make sure that all signatories to the mediation agreement fully realize the significance of the obligations they have voluntarily undertaken and are prepared to bear equal responsibility for both their fulfillment and non-fulfillment.

*Thus, the traditional role of the notary is in many ways complementary to that of the mediator and can be used by the mediator to bring the positions of the parties closer through their trust in the mediation procedure itself.*

In order to fulfill the main purpose of his activity, the notary shall endeavor to actively participate in the prevention of conflicts, not only by resolving disagreements that arise in the course of the process, but also by preventing the emergence of disputes in the future. In this sense, conflict resolution forms part of the preventive function of the notariat.

The notary is the bearer of all those characteristics of a mediator that provide the necessary safeguards to ensure that conflict resolution by out-of-court procedures meets the level of security required for the normal administration of justice.

Thus, the principles of *independence and impartiality, equality and co-operation, confidentiality, and voluntariness, the observance, which are necessary* in the work of the mediator and in direct notarial practice, are included in the ethical rules of notarial activity carried out on behalf of and under the control of the state.

*Thus, notarial ethics is one of the effective tools in the service of mediation and all inherent qualities of a notary are guaranteed by his belonging to a profession strictly regulated by law, strict and constant control by professional bodies.*

Thus, in light of the above, it seems possible to assert that notaries in the Republic of Armenia have the potential to participate in mediation proceedings in disputes arising during the performance of notarial acts. With the necessary level of legal responsibility, professional experience, and adherence to established ethical standards, notaries, subject to appropriate legal regulation, could act as mediators and ratify mediation agreements.

However, the practical implementation of this institution requires appropriate amendments to the current legislation of the Republic of Armenia. These amendments should provide for the legal recognition of the notary's legal status as a mediator, define the procedure for their participation in mediation proceedings, and establish the legal consequences of the certification of mediation agreements. The introduction of such regulations will not only expand the scope of mediation but will also help reduce the burden on the judicial system, increasing the effectiveness of resolving civil disputes.

Our readers may have the following question. Since in the Republic of Uzbekistan a notary acts as a mediator only for disputes arising in the course of notarial actions<sup>11</sup>, whether the mediation agreement approved by a notary-mediator is covered by the Resolution of the Cabinet of Ministers under the President of the Republic of Uzbekistan “On approval of the list of documents for which debt collection is made in an incontestable manner on the basis of executive writings made by notaries” № 26 from 18.01.2002.

The answer is unambiguous - at present it **does not apply**, because in accordance with Part 3, Part 4 of Article 29 of the Law of the Republic of Uzbekistan “On Mediation”, a mediation agreement is binding on the parties who concluded it and shall be executed by them voluntarily in the manner and within the terms provided for in it. If the parties fail to fulfill the mediation agreement, they may apply to the courts for protection of their rights.

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<sup>11</sup> Point 145<sup>1</sup> of the Instruction “On the procedure for performing notarial acts by notaries” No. 3113 dated 4 January 2019.

It should be noted that there are two mediation processes in the Republic of Armenia: judicial and extrajudicial. If a licensed mediator is contacted during a trial and a settlement agreement is concluded, it may be approved by the court, in which case the proceedings are terminated.<sup>12</sup> If the settlement agreement is approved, the court issues a ruling.<sup>13</sup> Cases regarding the approval of a settlement agreement concluded extrajudicially with the participation of a licensed mediator are considered in the courts of the Republic of Armenia in a special procedure.<sup>14</sup> If a settlement agreement as a result of mediation is concluded extrajudicially with the participation of a licensed mediator, then each party to the mediation has the right, within six months from the date of the conclusion of the settlement agreement, to apply to the court of general jurisdiction at their place of residence with a request for the court to approve the settlement agreement concluded between the parties.<sup>15</sup>

It should be particularly emphasized that despite the fact that mediation for notaries-mediators in Uzbekistan is a type of notarial activity mediation agreements, in the Republic of Uzbekistan the current legislation on mediation does not provide for compulsory execution of mediation agreements.

We believe that one of the first steps toward integrating mediation into notarial practice in Armenia could be empowering notaries to approve out-of-court settlements in inheritance and family disputes and issue writs of execution based on them. This change will further reduce the workload on the courts.

Mediation is naturally compatible with the use of professional duties of a notary, including his impartiality. In this regard, in our opinion, a combination of two situations is possible: a notary may act as a mediator in disputes arising in the course of notarial actions, as well as certify mediation agreements as a notary when he is approached by the mediator and the parties. The notary may seriously assist the mediator by participating in the mediation and acting as a guarantor of the competence of the voluntary mediation procedure, as well as of the actions of the neutral professional mediator-mediator himself. Inviting a notary as a specialist to participate in the mediation procedure is fully consistent with the mediator's actions. Timely notarization of the parties and their documents by the notary will only contribute to the business spirit of the parties to the mediation process, as well as to the positive outcome of the negotiations with the signing of an objective and

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<sup>12</sup> Clause 9, Part 1, Article 182 of the Civil Procedure Code of the Republic of Armenia.

<sup>13</sup> Part 3, Article 151 of the Civil Procedure Code of the Republic of Armenia.

<sup>14</sup> Clause 11, Part 1, Article 236 of the Civil Procedure Code of the Republic of Armenia, Chapter 39 of the Civil Procedure Code of the Republic of Armenia.

<sup>15</sup> Part 1, Article 288 of the Civil Procedure Code of the Republic of Armenia.

reasonable mediation agreement, which will be notarized by the notary, invited by the parties or the mediator.

Despite the fact that information about the notary-mediator is included in the Register of Professional Mediators, his participation as a professional mediator in disputes not related to notarial activity remains very controversial, as the area of mediation in notarial activity is still limited to property and inheritance disputes.

In the Republic of Uzbekistan certification of mediation agreement is carried out on the basis of the Civil Code, the laws "On Notaries", "On Mediation", "On State Duty", the Instruction "On the procedure for notarial acts by notaries" № 3113 of 4 January 2019, the Order of the Minister of Justice of the Republic of Uzbekistan "On Approval of the maximum amount of commissions charged for additional legal and technical actions performed by notaries" (Registered by the Ministry of Justice of the Republic of Uzbekistan on 29 May 2020. Registration № 3235) and other legal acts regulating notarial activity<sup>16</sup>.

It's important, that the notary shall examine the application within the term established by law and send a notification to the parties specifying the parties, the subject of the dispute, the time and place of the mediation procedure. If the parties jointly apply for mediation, the notary shall request the parties to submit a simple written agreement on the application of mediation.

Hence the need for a state policy to promote the simultaneous support of mediation in notarial practice, as well as the participation of notaries in the mediation process. For this policy to be successful, each mediator and notary must feel personally affected in the realization of their professional practical knowledge and skills.

Joint success also requires notaries to master specialized skills and mediation techniques. In particular, additional training in psychology and business negotiation techniques is desirable.

Such training is desirable for notaries and employees of notary offices who want to establish themselves as professionals, seeking to gain the trust and recognition of

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<sup>16</sup> Unlike other mediators, a notary mediator, when determining the mediability of a dispute, is obliged to comply with the requirements of the Resolution of the Ministry of Justice of the Republic of Uzbekistan on Combating Tax, Currency Crimes and Money Laundering at the Prosecutor General's Office of the Republic of Uzbekistan "On approval of internal control rules for countering the legalization of income from criminal activities, financing of terrorism and financing the proliferation of weapons of mass destruction in notary offices and law firms" and Appendices to Resolution No. 1 of the Ministry of Justice dated June 14, 2021 and No. 19 of the Department for Combating Economic Crimes at the Prosecutor General's Office of the Republic of Uzbekistan dated 10 June 2021 "Amendments and Additions to the Resolution "On Approval of the Rules of Internal control over countering the legalization of proceeds from criminal activities, and financing of terrorism in notary offices and law firms" (reg. No. 2020 dated 19.10.2009).

their clients through their professional actions, including participation in the mediation process.

*The main reference point in the application of mediation in notarial activity is the Instruction "On the procedure for the performance of notarial acts by notaries" № 3113, dated 4 January 2019, which was supplemented by Order of the Minister of Justice № 103 dated 2 May 2020 with §-14<sup>1</sup> points 145<sup>1</sup> - 145<sup>11</sup>.*

In accordance with the above norms, a notary acts as a mediator on the basis of the voluntary consent of the parties to a dispute to adopt a mutually acceptable solution to civil law relations, including property and inheritance issues.

A notary shall act as a mediator only for disputes arising in the course of notarial actions. Participants in mediation are the parties and the mediator. Parties to mediation may be both individuals and legal entities. The parties shall participate in mediation in person or through a representative in accordance with the law.

A notary in Uzbekistan approves mediation agreements in the following disputes:

- *family disputes (division of marital property);*
- *inheritance disputes (determination of the share in inheritance, division of inheritance, etc.);*
- *other disputes (monetary obligations, property transfer obligations, debt obligations, pledge obligations).*

In order to conduct mediation procedure, the parties by mutual agreement may apply to the notary who performed the notarial acts or to another notary.

The interested party may apply to the notary with an application for application of mediation procedure, in which it shall state its arguments justifying its claims against the other party.

The notary, within the term established by law, shall consider the application and send to the parties a notice specifying the parties, the subject of the dispute, the time and place of the mediation procedure. If the parties jointly apply for mediation, the notary shall request the parties to submit an agreement on the application of the mediation procedure in a simple written form.

When applying to a notary for the resolution of a property or inheritance dispute, the parties shall submit an identity document and the original of the notarized document that gave rise to the dispute, as well as a written agreement on the application of the mediation procedure.

The agreement on application of mediation procedure shall come into force from the moment of its signing.

During the mediation procedure, the notary shall not be entitled to restrict the rights and legally protected interests of the parties or to force them to make a decision.

Prior to the commencement of the mediation procedure, the notary shall hold meetings with all parties, as well as individually with each party, give written and verbal recommendations on the resolution of the dispute, explain to the parties the goals and objectives of mediation, rights and obligations, ensure the exchange of opinions and proposals between the parties, and propose ways to resolve the dispute.

The notary shall terminate the mediation procedure due to the following circumstances:

- conclusion of a mediation agreement by the parties;
- impossibility to reach a mutually acceptable solution to the dispute;
- conclusion of an agreement of the parties to terminate mediation without reaching an agreement on the existing disagreements (if there is a written agreement on the mediation procedure);
- a party's statement of refusal to continue mediation;
- expiry of the deadline for conducting the mediation procedure.

The notary shall confirm the mediation agreement concluded between the parties if the parties have reached a mutually acceptable decision on the terms of dispute settlement or obligations arising from the results of the mediation procedure.

The mediation agreement shall be drawn up in 3 copies, certified by a notary. One copy shall be kept in the files of the notary office.

*Payment of the state duty of the notary - mediator shall be made on the basis of the Law of the Republic of Uzbekistan “On State Duty” dated 06.01.2020. (LRU № 600) according to the Annex ‘Amounts of state duty rates’ item “Sh1” for the certification of other agreements, except for those provided for in subparagraphs “a” – “h” determines the following amounts of duty:*

- for individuals - 50 per cent of the basis calculation value (BCV)
- for legal entities or if one party is a legal entity - 1 BCV.

*Payment of other expenses of the notary - mediator is made on the basis of the Order of the Minister of Justice of the Republic of Uzbekistan “On Approval of the Maximum Amount of Fees Charged for Additional Legal and Technical Actions Performed by Notaries” (Registered by the Ministry of Justice of the Republic of Uzbekistan on 29 May 2020. Registration No. 3235) regulating the following charges:*

- when performing additional actions of legal and technical nature for providing explanations - 20 per cent of the BCV;
- for preparation of a certified draft of a mediation agreement as a professional mediator - 55 per cent of the BCV.

The notary shall have the right not to charge for additional legal and technical actions in the course of mediation activities, taking into account financial activities. Payment and reimbursement of costs shall be made by the parties in equal shares, unless they have agreed on a different rule.

– The Ministry of Justice has currently worked out a draft law “On introducing amendments and additions to certain legislative acts of the Republic of Uzbekistan for the purpose of developing the institution of mediation”. The draft provides for the following changes in the activities of mediators:

- Creating the possibility of resolving disputes through mediation between customers and banks, as well as between consumers and insurance organisations.
- In 2023, the courts heard 115,000 cases of disputes between a customer and a bank, as well as 27,000 cases of insurance contracts, which is an average of 12 per cent of the total caseload of the courts.
- The Ministry of Justice has been designated as the authorized state body in this area;
- The Ministry approves standards for the training of mediators, rules of professional ethics, procedures for professional development, qualification examinations for inclusion in the register, and procedures for disciplinary liability.
- Qualification commissions are established to conduct qualification exams for inclusion in the mediators' register and to consider disciplinary liability of mediators;
- Mediators' Qualification Commission: conducts qualification exams for mediation candidates, suspends and terminates mediator status or decides on reinstatement, and considers appeals against their actions.
- Mandatory family mediation prior to court hearings to determine the time a child spends with his or her father or mother. It is determined that this issue should be resolved by:
  - The Chairman of the Mahalla citizens' assembly and women's activists will be trained in professional mediation and will enter into mediation agreements for family disputes free of charge.

It is envisaged that mediation agreements will be made enforceable. This means that a mediation agreement will be enforceable as an executive document. This initiative is aimed at strengthening the institution of mediation, increasing trust in out-of-court dispute resolution, and expanding the powers of notaries as key

participants in the legal infrastructure. Moreover, it will significantly enhance the effectiveness and credibility of the mediation process in the country. A mediation agreement is binding on the parties who enter into it and is voluntarily implemented by them in the manner and within the timeframes specified therein. If a mediation agreement is not implemented, the parties have the right to seek legal protection.

At present, in order to increase the efficiency of the work of notaries-mediators, it is planned to introduce an electronic platform e-mediator.uz, which will include the following features:

- electronic register of mediators;
- mediator's personal cabinet;
- electronic process of passing the qualification exam (selection of questions and automatic checking of answers);
- creation of mediator's portfolio;
- electronic reporting on mediator's activities with automatic summarization of data;
- issuance of certificates of completion of training courses of mediators through integration;
- electronic templates of mediation-related documents;
- execution of electronic mediation agreements with electronic signatures and online mediation via videoconference.
- Thus, the ongoing reforms in the Republic of Uzbekistan in the field of alternative ways of dispute resolution, in particular, the inclusion in the notary's activity of powers to settle disputes, conflicts using conciliation procedures (mediation) are aimed at strengthening the role of the notariat as a body of undisputed jurisdiction, ensuring the implementation of civil turnover. These innovations deserve approval and further development.

While discussing the significant progress achieved in mediation in Armenia, it should be noted that mediation has not officially penetrated the notarial sphere. However, in recent years, in an effort to reduce court burdens, many judicial functions have been transferred to notaries, such as confirming facts of legal significance and issuing orders to seize funds, the implementation of which has seen significant success. We believe that notaries in Armenia will also be able to actively participate in mediation. For example, Chapter 39 of the Civil Procedure Code of the Republic of Armenia defines the procedure for approving a settlement agreement concluded out of court with the participation of a licensed mediator. Such cases are considered cases heard under special proceedings, which in itself presupposes the absence of a dispute between the parties. If a settlement agreement

reached as a result of mediation was concluded out of court with the participation of a licensed mediator, each party to the mediation has the right, within six months from the date of the settlement agreement, to apply to the court of general jurisdiction at their place of residence for approval of the settlement agreement reached between the parties. Based on the review of the application, the court issues a ruling approving the settlement agreement or rejecting it. A ruling approving the settlement agreement takes effect upon its publication, thereby becoming enforceable.<sup>17</sup> Given that mandatory mediation has been in effect in Armenia for certain family matters since July 1, 2025, we believe that, if the relevant legislative amendments are made, notaries will be able to certify and give legal force to settlement agreements reached as a result of mandatory mediation. It is worth noting that in Armenia, notaries have been certifying all transactions in family matters for many years, for which mandatory mediation has been established for the resolution of disputes. These include agreements on determining a child's place of residence, agreements on alimony payments, agreements on the division of property considered jointly owned by spouses, agreements on establishing procedures for access to a child, and prenuptial agreements. In other words, notaries in Armenia are those individuals who, in the absence of a dispute between the parties, certify transactions arising from family legal relationships and utilize conciliation tools in the process preceding the certification of transactions. Therefore, they are professionals in the aforementioned marital and family matters, possessing the relevant knowledge and experience. Therefore, we believe they will also be able to confirm settlement agreements reached in family matters subject to mandatory conciliation and make them binding. This, in turn, will facilitate the work of the courts. We hope that in the near future, legislative changes will be made that will result in notaries also officially participating in the conciliation process.

### **3. CONCLUSION**

Thus, the comparative analysis shows that both the Republic of Uzbekistan and the Republic of Armenia are taking active steps to institutionally strengthen mediation as a form of alternative dispute resolution. However, approaches to integrating mediation into notarial practice in these countries differ significantly.

In Uzbekistan, there is a steady trend toward expanding the notary profession's functions, including by empowering notaries to use conciliation procedures as part

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<sup>17</sup> Clause 11, Part 1, Article 236, Article 288, Article 291 of the Civil Procedure Code of the Republic of Armenia.

of their professional activities. These measures are aimed at increasing the accessibility of out-of-court dispute resolution and strengthening the role of notaries as subjects of undisputed jurisdiction. The legal mechanism for notary participation in mediation has already been enshrined in law and is being successfully implemented in practice, reducing the burden on the judicial system and enhancing legal awareness in society.

In the Republic of Armenia, significant progress can be observed in the development of mediation. However, unlike in Uzbekistan, mediation in Armenia has not yet been officially integrated into notarial practice. However, given the general trend toward reducing the burden on the judicial system, whereby notaries have already been assigned certain quasi-judicial functions (e.g., confirming legal facts, seizing funds, etc.), it can be assumed that involving notaries in mediation procedures is a logical next step in the development of legal regulation.

An analysis of current Armenian legislation confirms the existence of a legislative basis for such integration. Chapter 39 of the Civil Procedure Code of the Republic of Armenia establishes the procedure for approving out-of-court settlement agreements reached with the participation of licensed mediators. These cases are heard under a special procedure, which presupposes the absence of a dispute as such. Each party has the right, within six months of the agreement's conclusion, to apply to a court of general jurisdiction for its approval, after which the court issues a ruling that has the force of an enforceable document.

It should be particularly noted that, as of July 1, 2025, mandatory mediation for certain categories of family matters came into effect in Armenia. In this regard, it seems appropriate to consider legislatively expanding the powers of notaries to give legal effect to settlement agreements reached through mandatory mediation. This practice would build on existing experience: for many years, notaries in Armenia have been certifying agreements related to family relations, such as determining a child's place of residence, child contact procedures, alimony payments, division of joint property, concluding prenuptial agreements, and others. All of these actions involve elements of conciliation procedures preceding the notarization of transactions.

Consequently, Armenian notaries already possess the necessary knowledge, experience, and professional tools to participate in mediation procedures in family matters. Their inclusion in the mechanism for approving mediation agreements will not only improve the effectiveness of pre-trial dispute resolution but also serve as an effective mechanism for reducing the burden on the judicial system. It is hoped that the relevant amendments will soon be reflected in legislation, formalizing notaries' participation in mediation processes both institutionally and procedurally.

**Conflict of Interests**

The authors declare no ethical issues or conflicts of interest in this research.

**Ethical Standards**

The authors affirm this research did not involve human subjects.

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