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Substantive law governing the aspects of protecting the right to inheritance: Ukrainian model and EU experience

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Summary: 1. Introduction. 2. Literature review. 3. Methodology. 3.1. Methods. 3.2. Sample. 3.3. Instruments. 4. Results. 5. Discussion. 6. Limitations. 7. Recommendations. 8. Conclusions. 9. References.

Abstract: During 2020–2025, the inheritance law system in Ukraine underwent significant transformations influenced by internal regulatory reforms, digitalization of notarial services, and the growth of cross-border succession cases. The relevance of the study is determined by the need to adapt national legislation to the challenges of the digital era and ensure gradual convergence with the European legal space. The research focused on assessing the effectiveness of inheritance rights protection through judicial and notarial mechanisms, digital tools, and a comparative perspective with European standards. The central research question addressed in the study was to what extent substantive inheritance law and its enforcement mechanisms in Ukraine ensure effective protection of heirs' rights compared with the standards established in the European Union. The aim of the study was to identify regulatory gaps, procedural barriers, and factors of legal uncertainty that complicate inheritance practice in Ukraine. The methodology included a systematic and comparative legal analysis, content analysis of 62 court decisions and 34 notarial acts, as well as a survey of 45 specialists. Particular attention was paid to the provisions of the Civil Code of Ukraine, secondary legislation, and Regulation (EU) 2020/1784. The results revealed the absence of a unified procedure for protecting inherited property, inconsistent approaches of courts and notaries, and serious shortcomings in digital registers. Empirical data showed that 40.3% of disputes concerned will invalidity, 70.6% of notarial cases lacked protective measures, and 41% of digital entries were delayed. Unlike the EU, Ukraine does not provide for the European Certificate of Succession, which complicates cross-border inheritance and limits the rights of non-resident heirs. The academic novelty lies in combining regulatory, empirical, and comparative approaches. The practical significance is the formulation of proposals for introducing unified procedures, expanding digital interaction between institutions, and adapting European mechanisms to national practice.

Keywords: Legal System, Human Rights, Institutions, Governance, Rule of Law

Resumo: Durante el período 2020–2025, el sistema de derecho sucesorio en Ucrania experimentó transformaciones significativas influenciadas por reformas normativas internas, la digitalización de los servicios notariales y el crecimiento de los casos de sucesión transfronteriza. La relevancia del estudio se determina por la necesidad de adaptar la legislación nacional a los desafíos de la era digital y garantizar una convergencia gradual con el espacio jurídico europeo. La investigación se centró en evaluar la eficacia de la protección de los derechos sucesorios a través de los mecanismos judiciales y notariales, las herramientas digitales y una perspectiva comparativa con los estándares europeos. La cuestión central de investigación abordada en el estudio fue en qué medida el derecho sucesorio sustantivo y sus mecanismos de aplicación en Ucrania garantizan una protección efectiva de los derechos de los herederos en comparación con los estándares establecidos en la Unión Europea. El objetivo del estudio fue identificar las lagunas normativas, las barreras procedimentales y los factores de inseguridad jurídica que complican la práctica sucesoria en Ucrania. La metodología incluyó un análisis jurídico sistemático y comparativo, un análisis de contenido de 62 decisiones judiciales y 34 actos notariales, así como una encuesta a 45 especialistas. Se prestó especial atención a las disposiciones del Código Civil de Ucrania, la legislación secundaria y el Reglamento (UE) n.º 2020/1784. Los resultados revelaron la ausencia de un procedimiento unificado para la protección de los

bienes hereditarios, enfoques inconsistentes de tribunales y notarios, y deficiencias graves en los registros digitales. Los datos empíricos mostraron que el 40,3% de los litigios se referían a la invalidez de testamentos, el 70,6% de los casos notariales carecían de medidas de protección y el 41% de las inscripciones digitales presentaban retrasos. A diferencia de la UE, Ucrania no prevé el Certificado Sucesorio Europeo, lo que complica la herencia transfronteriza y limita los derechos de los herederos no residentes. La novedad académica radica en la combinación de enfoques normativos, empíricos y comparativos. La significación práctica consiste en la formulación de propuestas para introducir procedimientos unificados, ampliar la interacción digital entre instituciones y adaptar los mecanismos europeos a la práctica nacional.

Palavras-Chave: Sistema Jurídico, Derechos Humanos, Instituciones, Gobernanza, Estado De Derecho

1. Introduction

In 2020–2025, the inheritance law of Ukraine was transformed under the influence of the digitalization of notarial services, the growth of cross-border inheritance, the increasing number of disputes regarding wills and acceptance of inheritance, as well as the gradual approximation to EU standards. At the same time, it remains unclear whether Ukraine has developed a truly distinctive “model” of inheritance law or whether its system should rather be seen as a transitional normative framework shaped by Soviet legacies and partial EU alignment. In academic terms, this raises the issue of whether Ukrainian succession law demonstrates features of a coherent normative system or whether it is characterized by *normative dissonance*—a coexistence of modernized EU-oriented rules with path-dependent institutional practices. In view of the harmonization with the EU *acquis*, the priority was to ensure effective substantive legal protection of inheritance rights as a manifestation of private autonomy balanced with public legal order.

Despite the existing normative base, there are still some problems of regulatory fragmentation, the lack of a clear procedure for protecting inherited property, conflicts in the terms of acceptance of inheritance, limited digitalization of notarial practice, and uneven enforcement. These inconsistencies reflect the incomplete implementation of principles such as legal certainty, institutional coherence, and procedural predictability, which are central to modern European succession governance. The historical context of late privatization and weak institutional trust further complicates the uniform application of substantive succession law. International inheritance was particularly difficult because of the lack of instruments such as the European Certificate of Succession, which complicated the exercise of the rights of Ukrainian citizens abroad.

The aim of the study was to determine whether the so-called Ukrainian model of inheritance law represents a unique system or an evolving hybrid influenced by European law, and to assess the effectiveness of its substantive instruments in the context of cross-border challenges, the digital transformation of the notarial system, and the need to adapt to European models of legal protection of private property. The study also seeks to clarify whether the present regulatory design supports the principle of autonomy of will and family solidarity doctrines in a way that is consistent with contemporary EU approaches.

The aim involved the fulfilment of the following research objectives: Analyse the substantive and procedural legal framework of Ukraine in the field of inheritance for 2020–2025, including digital registration tools; Assess the stability and typical legal positions in judicial practice regarding inheritance disputes; Identify typical notarial errors when registering inheritance and assess the practice of protecting inherited

property; Clarify the systemic causes of existing barriers (procedural lacunae, weak enforcement, institutional fragmentation) that shape inheritance practices; Compare Ukrainian regulation with the EU standards, in particular in the context of Regulation (EU) 2020/1784 and related instruments; Summarize expert assessments of current problems and barriers to the exercise of inheritance rights.

The scientific novelty of the study lies in combining comparative, empirical, and digitalization-based analysis to assess substantive inheritance law through the lens of the theory of legal harmonization and the interaction between private and public interests. In contrast to previous scholarship, this study integrates empirical judicial data, notarial practice, and expert assessments into a single analytical framework, enabling the identification of structural inconsistencies that are not visible within purely doctrinal analyses. The practical significance of the study is reflected in the formulated recommendations for improving inheritance legislation, introducing procedural certainty in the protection of inherited property, increasing the efficiency of digital registers, and developing mechanisms for implementing selected provisions of European succession law into national practice.

2. Literature review

In 2020–2025, attention has increased to the modernization of inheritance law, its cross-border coherence, and specification. Discussions focused on harmonization with EU law, the institution of a mandatory share, and the practical application of the European Certificate of Succession. An interdisciplinary study by Goncharova et al.⁶ revealed the weak adaptation of the provisions of Regulation (EU) 2020/1784 in Ukraine, in particular because of terminological inconsistencies and the lack of a digital certification mechanism. This work highlights the broader problem of normative dissonance, where European concepts are implemented without ensuring conceptual compatibility with domestic institutions.

Jurić⁷ assessed the prospects for unification more optimistically, who interpreted the Regulation as an opportunity for legal liberalization of the cross-border business environment, especially in terms of simplifying the inheritance of assets in several jurisdictions. His conclusions illustrate the tendency to view harmonization primarily as an economic and procedural facilitator rather than a deeper doctrinal transformation. Instead, Maherzi⁸ argued that despite political will, the harmonization of inheritance law in Europe encounters deep barriers related to the conceptual difference between the common and continental law systems, in particular in approaches to the institution of a mandatory share. This argument reinforces the idea that the autonomy of will and family-solidarity doctrines are interpreted differently across legal families, making full convergence difficult.

Zaika⁹ identified key areas of inheritance law reform, including the renewal of terms, digitalization of notary services, and protection of inherited property. Bilous¹⁰ emphasized the fragmentation of Ukrainian legislation and the need for a

⁶ GONCHAROVA, A., FURSA, S., CHUIKOVA, V. Y., DANYLENKO, O., HLUSHCHENKO, N. "Research of the experience of legal regulation and use of European inheritance certificates of the regulation on succession", *Linguistics and Culture Review*, v. 5, 2021, pp. 554-573.

⁷ JURIĆ, T. "Entrepreneurial aspects of the EU Succession Regulation", *Unio-EU Law Journal*, v. 8, n. 2, 2023, pp. 63-73.

⁸ MAHERZI, D. "Cross-Border Succession in Europe: Is the Elimination of Double Taxation Guaranteed?" *European Taxation*, v. 63, n. 11, 2023, 487-491. <https://doi.org/10.59403/3dmnjzc>

⁹ ZAIKA, Y. O. "Directions of updating the inheritance legislation of Ukraine", *Journal of the National Academy of Legal Sciences of Ukraine*, v. 27, 1, 2020, pp. 84-99. [https://doi.org/10.37635/jnalsu.27\(1\).2020.84-99](https://doi.org/10.37635/jnalsu.27(1).2020.84-99)

¹⁰ BILOUS, T. Y. "Regulation of inheritance relations in Ukraine and the EU countries", *Uzhhorod National University Herald. Series: Law*, v. 86, n. 2, 2025, pp. 27-31. <https://doi.org/10.24144/2307-3322.2024.86.2.4>

unified algorithm for inheritance involving non-residents. Babiuk¹¹ drew attention to the excessive formalization of the mandatory share norms in Ukraine, which contrasts with the flexibility of approaches in Germany and France. These studies collectively reveal that Ukrainian succession norms remain internally inconsistent and do not form a coherent regulatory model—contrary to the claims of formal harmonization. Lythgoe¹² pointed out the problems of property protection in international disputes because of weak state supervision and jurisdictional difficulties. Wirawan¹³ raised the issue of abuses in the field of property rights, in particular the activities of the “land mafia”, which indicates the vulnerability of inheritance mechanisms in weak institutional systems. Instead, Pătrăuș¹⁴ considered the European Certificate of Succession as a tool for legal unification, warning against its formalization without taking into account national specifics. Gonçalves¹⁵ criticized Regulation (EU) 2020/1784 for its limited encompassing potential, especially in the context of dual citizenship and non-standard inheritance structures. Instead, Baruffi¹⁶ considered European procedures as a catalyst for the modernization of national inheritance law, in particular regarding the order of succession and the mandatory share. Taken together, these works illustrate the tension between procedural unification and the persistence of divergent national doctrines that shape the practical implementation of EU succession instruments.

Using the example of the judicial practice of Cyprus, Rokas¹⁷ showed that the application of the Regulation transforms the interpretation of the concept of “habitual residence”, contributing to the formation of a pan-European inheritance doctrine. In Ukraine, as Mykhayliv¹⁸ notes, the implementation of EU norms requires not only technical, but also conceptual updating of the inheritance system. Havrilenko¹⁹ emphasize the institutional imbalance that hinders the systematic implementation of European norms. Goossens²⁰ warns that excessive autonomy of the testator’s will without legal restrictions can weaken the social function of

¹¹ BABIUK, P. “The right to a compulsory share in inheritance: comparative legal aspect”, *Current problems of law*, v. 2, n. 26, 2021, pp. 116–125. <https://doi.org/10.35774/app2021.02.116>

¹² LYTGOE, G. “The changing “landscape” of sovereignty viewed through the lens of international tax: Reterritorializing the offshore”, *Canadian Yearbook of International Law/Annuaire canadien de droit international*, v. 59, 2022, pp. 171–199. <https://doi.org/10.1017/cyl.2022.13>

¹³ WIRAWAN, V., SILVIANA, A., WIDOWATY, Y. “Eradicating the Land Mafia in Indonesia: Challenges and Opportunities”, *Migration Letters*, v. 20, n. 7, 2023, pp. 227–243.

¹⁴ PĂTRĂUȘ, M., OFRIM IM. “European Certificate of Succession”, *Agora International Journal of Juridical Sciences*, v. 13, n. 2, 2019, pp. 78–88. <https://doi.org/10.15837/aijs.v13i2.3803>

¹⁵ GONÇALVES A. “The material limits of the European Succession Regulation”, *SSRN Electronic Journal*, 2021. <https://doi.org/10.2139/ssrn.4574296>

¹⁶ BARUFFI, M. C., BAŞOĞLU, B., BAYRAKTAROĞLU ÖZÇELİK, G., ... BARGELLI, E. “Decisions on the European Succession Regulation in Portugal”, in A. Bonomi, I. Pretelli (Eds.), *Volume XXV Yearbook of Private International Law*, Verlag Dr. Otto Schmidt, Köln, v. 25, 2024, pp. 479–491. <https://doi.org/10.9785/9783504389222-034>

¹⁷ ROKAS, K. “Decisions on the European Succession Regulation in Cyprus”, in A. Bonomi I. Pretelli (Eds.), *Yearbook of Private International Law*, Vol. XXV, Verlag Dr. Otto Schmidt, Köln, 2024, pp. 395–398. <https://doi.org/10.9785/9783504389222-027>

¹⁸ MYKHAYLIV, M. “Adaptation of the civil legislation of Ukraine in the field of inheritance with EU law”, *Balkan Social Science Review*, v. 21, n. 21, 2023, pp. 87–103. <https://doi.org/10.46763/BSSR2321087m>

¹⁹ HAVRILENKO N, FEDCHUK T, GUYVAN P, GIGIN O, MYKHAILOVSKA Y. “Analysing the process of harmonisation of Ukrainian legislation with the EU norms: Key challenges and prospects”, *Revista Jurídica (Unicuritiba)*, v. 2, n. 78, 2024, pp. 539–556.

²⁰ GOOSSENS E. “The impact of the European Certificate of Succession on national law: a Trojan horse or much ado about nothing?”, In *The Interaction between Family Law, Succession Law and Private International Law*, Intersentia, Cambridge, 2021, pp. 157–180. <https://doi.org/10.1017/9781839701283.009>

inheritance law. These contributions highlight the broader theoretical debate on whether succession law should primarily protect individual autonomy or safeguard public-order interests—an issue that directly influences the assessment of Ukraine’s evolving legal model.

Therefore, while the reviewed literature clarifies both Ukrainian and European perspectives on inheritance regulation, it still lacks a clear conceptual grounding—particularly regarding whether inheritance rights should be viewed as private entitlements or elements of public legal order, a theoretical issue further addressed in this study. The fragmented nature of existing research also indicates the absence of an integrated framework that combines doctrinal, comparative, and empirical approaches, which this article seeks to provide.

3. Methodology

The study was divided into three consecutive stages to identify the effectiveness of the mechanisms provided by substantive law for protecting the right to inheritance in Ukraine, taking into account judicial practice, notary activities, state registration procedures, as well as a comparative analysis of European experience. The main focus is on the application of the provisions of the Civil Code of Ukraine²¹, the Law of Ukraine “On Notaries”²² specialized secondary legislation²³ and the norms of Regulation (EU) 2020/1784 on succession matters and the European Certificate of Succession²⁴. The methodological design is grounded in three evaluative criteria—*legal certainty*, *procedural consistency*, and *institutional coherence*—which are used throughout the study to assess the functionality and alignment of inheritance mechanisms. For the purposes of this research, legal certainty is defined as predictability and clarity of normative outcomes; procedural consistency refers to uniformity of procedural steps across institutions; institutional coherence denotes the coordinated interaction between courts, notaries, and registration bodies.

The first stage involved a systematic, theoretical analysis and legal review, explanatory and comparative analysis of the legislation regulating inheritance. The provisions of the sixth and seventh books of the Civil Code of Ukraine²⁵, the Law of Ukraine “On Notaries”²⁶, the Law of Ukraine “On State Registration of Real Rights to Real Estate and Their Encumbrances”²⁷, Order of the Ministry of Justice of Ukraine No. 2968/5 of 11.08.2023²⁸ were studied. The comparative block included an

²¹ VERKHOVNA RADA OF UKRAINE. Civil Code of Ukraine (No. 435-IV), as amended in 2024. Available at: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (accessed on 10 July 2025).

²² VERKHOVNA RADA OF UKRAINE. On Notarial Services (No. 3425-XII), as amended in 2020. Official portal of the Verkhovna Rada of Ukraine. Available at: <https://zakon.rada.gov.ua/laws/show/3425-12#Text> (accessed 18 July 2025).

²³ GOVERNMENT OF UKRAINE. Resolution of the Cabinet of Ministers of Ukraine No. 1362 (2020), “On Amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 207 of 2 March 2016.” Available at: <https://zakon.rada.gov.ua/laws/show/1362-2020-%D0%BF#Text> (accessed on 18 July 2025).

²⁴ EUR-LEX. Regulation (EU) 2020/1784 of the European Parliament and of the Council, 2012. Available at: <https://eur-lex.europa.eu/eli/reg/2012/650/oj/eng> (accessed on July 22th, 2025).

²⁵ VERKHOVNA RADA OF UKRAINE. Civil Code of Ukraine (No. 435-IV), 2024. Ibid.

²⁶ VERKHOVNA RADA OF UKRAINE. Law of Ukraine “On Notaries” (No. 3425-XII), as amended on 10 January 2025. Available at: <https://zakon.rada.gov.ua/laws/show/3425-12#Text> (accessed on 16 July 2025).

²⁷ VERKHOVNA RADA OF UKRAINE. Law of Ukraine “On State Registration of Real Rights to Real Estate and Their Encumbrances” (No. 1952-IV), as amended as of 9 April 2025. Available at: <https://zakon.rada.gov.ua/laws/show/1952-15#Text> (accessed 15 July 2025).

²⁸ MINISTRY OF JUSTICE OF UKRAINE. Order No. 2968/5 on amendments, in particular regarding the certification of wills and acceptance of inheritance during wartime. Registered

analysis of the norms of inheritance law of Poland, Germany, France and Lithuania regarding the mandatory share, legal protection of the will, the procedure for accepting the inheritance, as well as the activities of notaries in the field of cross-border inheritance. The provisions of Regulation (EU) 2020/1784 on international inheritance²⁹, as well as model provisions on succession under a will from Comparative Succession Law³⁰ were also included. This stage allowed the identification of normative divergences and conceptual misalignments that shape Ukraine's hybrid succession framework.

The second stage covered the empirical part: a content analysis of 62 court decisions adopted during 2021–2025 by courts of first and appellate instance, as well as by the Supreme Court (Court decisions in cases No. 451/1334/23, 2023) was conducted. The selection of these 62 cases was based on substantive criteria (assessment of inheritance rights, presence of decisions on the merits, and sufficient legal reasoning), which ensured their relevance and representativeness out of the 247 registered cases. The final corpus was formed using a criterion-based sampling strategy intended to avoid the overrepresentation of formal procedural rulings and to focus on decisions that materially interpret succession rules. Cases on the recognition of a will as invalid, establishing the fact of acceptance of an inheritance, renewal of terms, protection of property rights within the framework of inheritance legal relations, division of inherited property, exercise of the right to a mandatory share were analysed. A total of 34 notarial actions were also studied, in particular, the issuance of certificates of inheritance, opening of inheritance cases, certification of wills, and taking measures to protect inherited property³¹. These acts were chosen according to their legal significance and public accessibility in the Unified Register of Inheritance Cases. The combination of judicial decisions, notarial acts, and registry data ensured source triangulation and strengthened the internal validity of the findings. The sources of legal information were the Unified State Register of Court Decisions³², the Unified Register of Inheritance Cases, and the OpenDataBot database³³. The EU Case Law database was also used in the analysis to identify relevant decisions of the Court of Justice of the EU in cases related to inheritance law.

The third stage included a semi-structured survey of 45 professionals (notaries, lawyers, registrars, judges, representatives of the judiciary) aimed at assessing the effectiveness of inheritance legislation, problems in the application of inheritance rules, access to registers, abuses in the inheritance acceptance procedure and compliance with European standards. The survey questionnaire included the following core questions: (1) How effective are the current legislative provisions on inheritance protection? (2) What procedural barriers most often arise in practice? (3)

in the Unified Register of NPA, 2023. Available at: https://npu.ua/news/spadkuvannja/?utm_source (accessed on July 19th, 2025).

²⁹ EUROPEAN PARLIAMENT & COUNCIL. Regulation (EU) 2020/1784 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession, 2020. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R0650> (accessed on July 17th, 2025).

³⁰ MCCARTHY F. "Kenneth GC Reid et al (eds), Comparative Succession Law: Mandatory Family Protection", *Edinburgh Law Review*, v. 26, n. 1, 2022. <https://doi.org/10.3366/elr.2022.0752>

³¹ UNIFIED STATE REGISTER OF COURT DECISIONS. Court decisions in cases No. 334/4808/22. Establishment of the fact of acceptance of inheritance, 2023. Available at: <https://reyestr.court.gov.ua/Review/110269214> (accessed on July 21th, 2025).

³² UNIFIED STATE REGISTER OF COURT DECISIONS OF UKRAINE. Decisions of courts of general jurisdiction, 2021–2024. Official database, 2024. Available at: <https://reyestr.court.gov.ua/> (accessed on 18 July 2025).

³³ OPENDATABOT. Unified register of inheritance cases and notarial acts in Ukraine, 2024. Available at: <https://opendatabot.ua/open/notaries> (accessed on July 15th, 2025).

How accessible and reliable are digital inheritance registers? (4) What are the most frequent abuses or manipulations in inheritance acceptance? (5) To what extent do Ukrainian mechanisms comply with the standards of Regulation (EU) 2020/1784 and the European Certificate of Succession? The survey was conducted voluntarily, anonymously and with the respondents' written consent to data processing. The selection of 45 experts was determined by professional relevance and sectoral representation, ensuring a balance between judicial, notarial, and administrative perspectives and reducing institutional bias. The semi-structured format allowed for both quantitative evaluation and qualitative insights into systemic problems.

The ethical aspects of the study were agreed with the principles of the European Code of Conduct for Research Integrity³⁴, the American Bar Association's Code of Ethics³⁵ and the current General Data Protection Regulation (GDPR) provisions on personal data processing. No personal information was collected, and all responses were summarized in accordance with the research objectives. All empirical procedures complied with data minimization standards, and no identifiers were stored, ensuring conformity with GDPR Art. 5 principles.

3.1. Methods

Five interrelated methods were applied in the study. Theoretical analysis and legal review were used to identify problem areas in the structure of inheritance regulation. These methods allowed for the detection of systemic inconsistencies and normative gaps that affect legal certainty and institutional coherence. The interpretative method was applied to interpret the provisions of the Civil Code on acceptance of inheritance, mandatory share, and nullity of a will. Its application ensured a uniform doctrinal understanding of inheritance categories and clarified how judicial bodies apply autonomy of will and family-solidarity doctrines. The comparative method provided a comparison of Ukrainian regulation with the provisions of European law, in particular with the norms of the Regulation of the European Parliament & Council³⁶. Regulation (EU) 2020/1784 on succession matters and the European Certificate of Succession). This method enabled the identification of areas where Ukrainian succession rules align with or diverge from EU standards, forming the basis for evaluating prospects of legal harmonization. Content analysis of court decisions and notarial acts assessed the real mechanisms for the exercise of inheritance rights on the basis of criteria such as efficiency, procedural certainty, and protection of parties' rights. This method was essential for evaluating how substantive rules operate in practice, revealing inconsistencies between legislation and its institutional enforcement. The legal sociological survey provided access to practical assessments of the problems and barriers faced by participants in inheritance legal relations, ensuring both professional and regional representation of respondents. The combination of doctrinal, empirical, and sociological methods created a triangulated analytical framework capable of capturing both normative and real-world dynamics of inheritance protection in Ukraine.

3.2. Sample

The study analysed 62 court decisions selected from a total of 247 cases registered in the Unified State Register of Court Decisions for 2020–2025. The

³⁴ EUROPEAN COMMISSION. European Code of Conduct for Research Integrity (Revised Edition 2023), 2023. <https://allea.org/code-of-conduct/> (accessed on July 12th, 2025).

³⁵ AMERICAN BAR ASSOCIATION. ABA Model Rules of Professional Conduct (2023 Edition), 2023. Available at: https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/ (accessed on July 16th, 2025).

³⁶ EUROPEAN PARLIAMENT & COUNCIL. 2020. Ibid.

decisions were selected according to substantive criteria (assessment of inheritance rights, decisions on the merits, and sufficient legal reasoning). This ensured representativeness and excluded purely procedural rulings. The sample covered 8 regions of Ukraine (Kyiv, Lviv, Kharkiv, Odesa, Cherkasy, Volyn, Dnipropetrovsk, Zhytomyr), providing minimal regional balance. The analysis also included 34 notarial acts from the Unified Register of Inheritance Cases, selected according to completeness, accessibility, and legal relevance (opening cases, issuing certificates, certifying wills, protective measures). Their inclusion allowed evaluating how notarial practice affects the protection of substantive inheritance rights. The survey involved 45 specialists—18 notaries, 9 lawyers, 8 registrars, 6 judges, and 4 justice officials—selected by representative expert sampling with attention to specialization and territory. This ensured a balanced professional view of inheritance enforcement. For comparative purposes, France and Germany were selected as jurisdictions with well-established continental succession systems, while Poland and Lithuania served as post-socialist reference points closer to Ukraine's legal context.

3.3. Instruments

The following tools were used to collect and process information: Google Forms (survey), NotaryRegister.gov.ua (notary data), Datawrapper (visualization), OpenDataBot (access to case law), LIGA Zakon and Lex.land (analytics of the regulatory framework). Content analysis of court cases was carried out manually according to the legal criteria of the effectiveness of inheritance protection: efficiency, compliance with procedures, observance of the parties' rights, minimization of abuses, stability of legal positions of the courts. These criteria correspond to the broader methodological indicators of legal certainty, procedural consistency, and institutional coherence applied throughout the study. To ensure transparency, the case numbers analysed were documented and selection criteria explicitly fixed (substantive focus, reasoned judgments, regional coverage). The ethical aspects of the study were agreed with the principles of the European Code of Conduct for Research Integrity³⁷, the American Bar Association Model Rules of Professional Conduct³⁸, and the current GDPR provisions on the personal data processing. Survey responses were collected anonymously, with electronic consent forms archived for verification. The requirements for the processing of sensitive information in accordance with the EU Digital Governance Act³⁹ were also complied with. Personal information was not collected, and all responses were summarized in accordance with the purposes of the study. No personal data were processed, and all information was summarized in line with the research purposes, ensuring compliance with EU digital-governance and data-minimization standards.

4. Results

In 2020–2025, the legal regulation of inheritance in Ukraine remained mixed, combining Soviet traditions of a mandatory share with elements of autonomy of will, close to European approaches. The basis of the legislative body was the provisions of books six and seven of the Civil Code of Ukraine, the Law of Ukraine "On Notaries", the Law "On State Registration of Real Rights to Real Estate and Their Encumbrances", as well as by-laws of the Ministry of Justice, in particular Order No.

³⁷ EUROPEAN COMMISSION. Ethics for researchers: Facilitating research excellence in FP7. 2020. Available at: https://ec.europa.eu/research/participants/data/ref/fp7/89888/ethics-for-researchers_en.pdf (accessed on July 14th, 2025).

³⁸ AMERICAN BAR ASSOCIATION. 2023. Ibid.

³⁹ EUROPEAN COMMISSION. Digital Governance Act (DGA) Regulation (EU) 2022/868, 2022. Available at: <https://eur-lex.europa.eu/eli/reg/2022/868/oj> (accessed on July 18th, 2025).

2968/5⁴⁰.

Significant difficulties were associated with the lack of a specific procedure for protecting inherited property until the registration of ownership, conflicts in the terms of acceptance of the inheritance in the event of simultaneous operation of judicial and notarial procedures, as well as the vagueness of actions in the event of disputes between potential heirs. These issues reflect broader normative dissonance: formal approximation to EU succession standards coexists with legacy procedural concepts that do not provide clear mechanisms for legal certainty or coordinated institutional action. The legislation formally outlined the framework for the implementation of inheritance rights, but did not provide sufficient procedural detail, which created the basis for ambiguous application of the law. This lack of procedural specificity resulted in divergent interpretations among courts and notaries, reducing predictability for heirs and weakening institutional coherence. As a result, judicial practice and notarial practice often developed parallel interpretations, deepening uncertainty for heirs. Table 1 provides a systematization of typical legal gaps, classified by procedural, subjective and objective features.

Table 1. Main gaps and conflicts of inheritance regulation in Ukraine (2020-2025).

Category	Description of the gap/conflict
Protection of inherited property	There is no clear procedure for protecting property until the registration of inheritance rights, which leaves heirs vulnerable to abuses or third-party claims
Terms of acceptance of inheritance	There are discrepancies in determining the beginning and establishment of terms in judicial and notarial practice, leading to inconsistent protection of heirs' rights
Parallel appeal to court and notary	There is no legislatively defined algorithm of actions in the event of a simultaneous appeal, which generates procedural uncertainty
Testamentary freedom vs. mandatory share	Legal conflict between the testator's freedom of will and the imperative nature of the mandatory share, reflecting the coexistence of Soviet-era traditions and modern approaches
Access to inheritance registers	Limited access to registers for potential heirs and lawyers reducing transparency and timely defence of rights
Recognition of foreign inheritance documents	Lack of a clear procedure for recognizing and registering foreign inheritance documents complicating cross-border inheritance cases

Source: created by the author based on^{41,42,43,44,45,46,47,48,49,50,51}.

Table 1 illustrates the main regulatory gaps in Ukraine's inheritance law during 2020–2025. The absence of a unified procedure for protecting inherited property, inconsistent interpretation of acceptance terms, and uncertainty in parallel court-notary proceedings reflect the persistence of normative dissonance between Soviet-

⁴⁰ MINISTRY OF JUSTICE OF UKRAINE. 2023. Ibid.

⁴¹ VERKHOVNA RADA OF UKRAINE. On Notarial Services (No. 3425-XII). 2020. Ibid.

⁴² VERKHOVNA RADA OF UKRAINE. Civil Code of Ukraine (No. 435-IV). 2024. Ibid.

⁴³ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On State Registration of Real Rights to Real Estate and Their Encumbrances" (No. 1952-IV). 2025. Ibid.

⁴⁴ MINISTRY OF JUSTICE OF UKRAINE. 2023. Ibid.

⁴⁵ EUROPEAN PARLIAMENT & COUNCIL. 2020. Ibid.

⁴⁶ UNIFIED STATE REGISTER OF COURT DECISIONS OF UKRAINE. 2024. Ibid.

⁴⁷ OPENDATABOT. 2024. Ibid.

⁴⁸ UNIFIED STATE REGISTER OF COURT DECISIONS. 2023. Ibid.

⁴⁹ UNIFIED STATE REGISTER OF COURT DECISIONS. Court decisions in cases No. 451/1334/23. Issuance of a certificate of the right to inheritance after the expiration of the term, 2023. Available at: <https://reyestr.court.gov.ua/Review/113610944> (accessed on July 19th, 2025).

⁵⁰ EUROPEAN COMMISSION. 2023. Ibid.

⁵¹ AMERICAN BAR ASSOCIATION. 2023. Ibid.

era provisions and modern reforms. These gaps directly undermine legal certainty and limit the ability of institutions to apply inheritance rules uniformly.

Content analysis of 62 court decisions in inheritance cases showed the prevalence of four types of disputes. Claims for the invalidity of the will (40.3%), mainly because of the testator's incapacity or procedural violations, were the most frequently considered. Cases on establishing the fact of acceptance of inheritance accounted for 31.5% and were usually associated with a violation of the deadlines for registration. In 18.4% of cases, the courts renewed the terms of acceptance of inheritance if there were objective grounds. Disputes on the division of joint inherited property (9.8%) revealed the greatest variability of approaches. This variability demonstrates the lack of procedural consistency and the absence of unified judicial standards, which increases the dependence of outcomes on judicial discretion. At the same time, the highest stability of judicial practice was recorded in cases regarding the renewal of terms and the invalidity of a will in the event of the testator's confirmed incapacity. Such stability reflects the courts' reliance on objective evidence, while areas lacking clear procedural guidance-particularly property division-remain fragmented. Figure 1 shows the quantitative distribution of disputes.

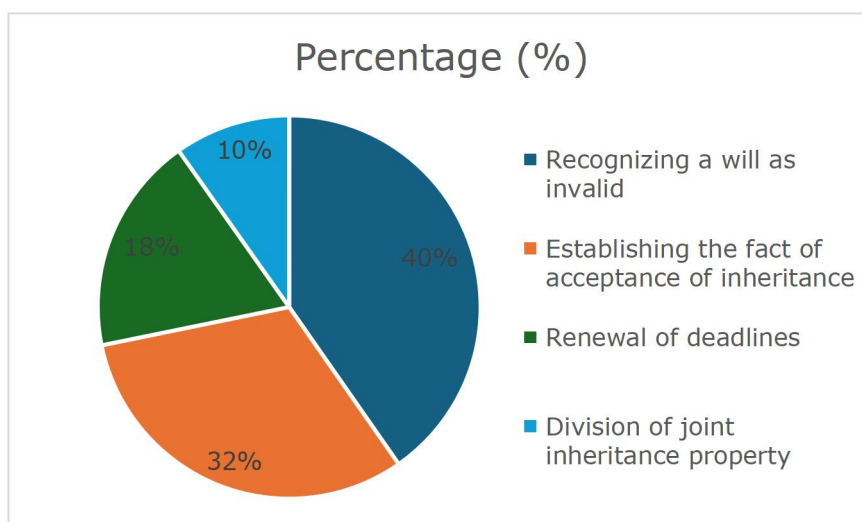


Figure 1. Distribution of inheritance disputes by category (in % of total, n = 62). Source: created by the author based on data analysis of the^{52,53,54}.

Figure 1 shows the distribution of inheritance disputes in Ukraine for 2020–2025, revealing that 40.3 % of cases concerned the invalidity of wills, 31.5 % dealt with establishing the fact of acceptance of inheritance, 18.4 % involved renewal of deadlines, and 9.8 % related to the division of joint property. Regional patterns indicate that courts in Kyiv and Kharkiv more frequently upheld claims on will invalidity, whereas cases on acceptance of inheritance predominated in Odesa and Lviv regions. These regional variations reflect the absence of uniform interpretative standards and demonstrate low procedural consistency across courts. Such discrepancies highlight the persistence of procedural fragmentation within inheritance adjudication.

The analysis of notarial practice comprised 34 cases, in which only in 29.4% of cases were protective measures taken regarding inherited property (descriptions, prohibitions, requests). This limited use of protective mechanisms indicates

⁵² UNIFIED STATE REGISTER OF COURT DECISIONS. 2023. Ibid.

⁵³ UNIFIED STATE REGISTER OF COURT DECISIONS. 2023. Ibid.

⁵⁴ UNIFIED STATE REGISTER OF COURT DECISIONS OF UKRAINE. 2024. Ibid.

insufficient institutional proactivity and weak safeguards for legal certainty. Violations of the deadlines for entering data into the register were recorded in more than 12% of cases, which caused procedural complications. These delays reduced predictability for heirs and increased the likelihood of conflicting actions between notaries and courts. The limited access of heirs to registers because of the lack of registration at the testator's place of residence or untimely opening of the case, in practice delayed the transfer of rights and increased the risk of unlawful alienation of assets. Table 2 presents the typology of violations and risks in the work of the notary public.

Table 2. Main types of notarial violations in the conduct of inheritance cases (n = 34).

Type of violation	Number of cases	Share of total (%)
Failure to take measures to protect property (risk of unlawful alienation or damage)	24	70.6
Violation of deadlines for entry into the register (delays in registration, procedural complications)	4	11.8
Lack of access of heirs to the notarial database (obstacles to timely exercise of rights)	3	8.8
Lack of proper communication between notaries and heirs (misunderstandings, increased disputes)	2	5.9
Other procedural errors (isolated technical mistakes)	1	2.9

Source: created by the author based on data from the Unified Register of Inheritance Cases and Notarial Actions⁵⁵, Order of the Ministry of Justice of Ukraine No. 2968/5 dated August 11, 2023, and analysis of relevant records regarding the actions of notaries in inheritance cases⁵⁶.

Table 3. Shortcomings of digital interaction in the field of inheritance (based on registers and practice).

Digital interaction shortcoming	Number of cases (Estimated)	Share of total (%)
Untimely update of data in the Unified Register of Inheritance Cases (delays in verification of inheritance status, weakened evidentiary base)	14	41.2
Delays in registration of powers of attorney (procedural complications in representation of heirs)	5	14.7
Lack of heirs' access to information online (restricted ability to exercise rights in due time)	4	11.8
Fragmentation of digital interaction between institutions (duplication, loss of information, contradictory records)	7	20.6
Lack of automatic notification of actions with the register (heirs remain uninformed about critical procedural steps)	4	11.8

Source: created by the author based on data from the Unified Register of Inheritance Cases⁵⁷, notarial acts in cases No. 334/4808/22, No. 451/1334/23, and analysis of the regulatory legal framework^{58,59}.

Table 2 summarizes the main types of notarial violations identified in inheritance proceedings during 2020–2025. The predominant issue—failure to take measures to protect inherited property (70.6 %)—exposes a structural weakness in the notary's preventive function. Less frequent but legally significant violations include delays in register entries (11.8 %) and restricted access of heirs to notarial

⁵⁵ OPENDATABOT. 2024. Ibid.

⁵⁶ MINISTRY OF JUSTICE OF UKRAINE. 2023. Ibid.

⁵⁷ OPENDATABOT. 2024. Ibid.

⁵⁸ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On State Registration of Real Rights to Real Estate and Their Encumbrances" (No. 1952-IV). 2025. Ibid.

⁵⁹ MINISTRY OF JUSTICE OF UKRAINE. 2023. Ibid.

databases (8.8 %), both of which reduce procedural transparency and weaken legal certainty in inheritance administration.

The study analysed the effectiveness of digital registers, in particular the Unified Register of Inheritance Cases, Powers of Attorney, and State Registration. Delays in updating data were found in 41% of cases, which complicated the verification of the status of inheritance cases and negatively affected the evidentiary base in courts. These delays were largely caused by insufficient technical integration and uneven digital competencies of notaries, demonstrating low institutional coherence across responsible bodies. The analysis also established the fragmentation of digital interaction between notaries, courts and registrars, which leads to duplication, loss of information, and declining trust in electronic registers as reliable tools for inheritance protection. Table 3 provides an assessment of the functionality and limitations of digital services recorded during the analysis of notarial practice and court materia.

Table 3 presents the principal shortcomings of digital interaction in inheritance administration. The most frequent issue-untimely updates of data in the Unified Register of Inheritance Cases (41.2%)-directly undermines evidentiary reliability and legal certainty. Other major deficiencies include institutional fragmentation (20.6%) and delays in registering powers of attorney (14.7%). The lack of online access for heirs and the absence of automatic notifications illustrate incomplete digital integration, reducing procedural consistency and limiting the practical functionality of e-services. These shortcomings highlight the need for coherent digital harmonization of notarial and judicial systems.

Table 4. Comparative characteristics of inheritance regulation: Ukraine-EU.

Criterion	Ukraine	(Regulation (EU) 2020/1784)
Jurisdiction in inheritance cases	Depends on the place of opening the inheritance (fragmentation, risk of parallel claims)	Single jurisdiction for all inheritance cases (clarity and predictability)
Choice of applicable law	No choice of law provided (rigid system, often disadvantageous for heirs abroad)	Option to choose the law of the country of nationality (flexibility in cross-border cases)
Instrument of confirmation of inheritance rights	Certificate of right to inheritance (national model) (limited international recognition)	European Certificate of Succession (direct use in all Member States)
Protection of the mandatory share	Fixed list of persons entitled to a mandatory share (formal approach, frequent litigation)	Flexible regulation taking into account the family context (balance between autonomy of will and social protection)
Regulation of cross-border inheritance	No special rules (procedural uncertainty, need for ad hoc solutions)	Regulated mechanism for transnational inheritance (legal certainty for heirs and courts)
Recognition of documents between jurisdictions	Requires additional legalization/apostille (time-consuming and costly)	Automatic recognition in the Member States (simplified circulation of documents)

Source: created by the author based on the provisions of the Civil Code of Ukraine⁶⁰, the Law of Ukraine "On Notaries"⁶¹ and Regulation (EU) 2020/1784 of the European Parliament and the Council⁶².

⁶⁰ VERKHOVNA RADA OF UKRAINE. Civil Code of Ukraine (No. 435-IV), 2024. Ibid.

⁶¹ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Notaries" (No. 3425-XII), as amended on 10 January 2025. Ibid.

⁶² EUROPEAN PARLIAMENT, & COUNCIL OF THE EUROPEAN UNION. Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial

Table 5. Comparison of the rules of inheritance law of Ukraine, Germany, France and Regulation (EU) 2020/1784 on the main aspects of inheritance.

Element of inheritance regulation	Ukraine (CCU)	Germany (BGB)	France (Code civil)	Regulation (EU) 2020/1784	Comment/problems /differences
Order of heirs	5 lines of heirs, complex system	Up to 3 lines; priority given to close relatives	Up to 3 lines; clear hierarchy of relatives	Habitual residence principle applies	The complicated structure of the Central Civil Procedure Code complicates judicial practice, causing inconsistent interpretations and longer proceedings
Acceptance of inheritance	Fixed 6-month term	6 months with possibility of extension under certain conditions	6 months or 12 months when living abroad	Flexible duration; extension allowed	Inflexibility of deadlines in Ukraine leads to lawsuits for renewal while EU/German/French models reduce litigation through flexibility
Mandatory share	Mandatory share provided, but no flexible criteria	Mandatory share stipulated by law; protection of close relatives	The law guarantees a share for children; complications in case of evasion	Does not regulate mandatory share; leaves to Member States	Unclear grounds for determining the mandatory share in Ukraine creating tension between testamentary freedom and protection of vulnerable heirs
Recognition of a will	Notarization required, difficulties with inheritance abroad	Wills abroad recognized; possibility of choice of law	Automatic recognition of wills drawn up in accordance with foreign law	Recognises wills drawn up in accordance with chosen law	Lack of procedure for recognizing foreign wills in Ukraine which complicates cross-border inheritance and undermines trust in legal certainty

The comparative analysis showed that Regulation (EU) 2020/1784 represents a single system of inheritance in the EU with a flexible choice of law and recognition of the European Certificate of Succession, which is not available in Ukraine. This absence significantly complicates cross-border registration for non-residents and reduces the international enforceability of Ukrainian inheritance outcomes. The protection of the obligatory share in Ukraine is strictly formalized, whereas EU countries balance the will of the testator with the rights of vulnerable persons through more adaptive mechanisms. This flexibility reduces litigation in the EU, while the rigidity of Ukrainian rules often produces disputes and fragmented interpretation. The lack of procedural consistency further decreases the international effectiveness of Ukrainian inheritance law. Table 4 compares key aspects of the Ukrainian and European models.

matters (service of documents). Official Journal of the European Union, v. L 405, pp. 40–78, 2020. Available at: <https://eur-lex.europa.eu/eli/reg/2020/1784/oj> (accessed on July 13th, 2025).

Table 4 compares the core features of inheritance regulation in Ukraine and the European Union under Regulation (EU) 2020/1784. The Ukrainian framework remains characterized by procedural rigidity, limited choice of applicable law, and fragmented recognition of documents, while the EU model ensures jurisdictional unity, cross-border legal certainty, and automatic recognition mechanisms. This contrast demonstrates that Ukraine's adaptation to European succession standards is primarily formal and does not yet eliminate normative dissonance in cross-border cases. The findings underscore the need for deeper harmonization to strengthen the protection of heirs' rights in a transnational context.

The review includes certain decisions of the Court of Justice of the EU, in particular cases C-658/17 and C-277/20, which cover issues of conflicts of law and the recognition of wills drawn up outside the EU. These precedents illustrate the EU's emphasis on procedural consistency and uniform interpretative standards, mechanisms that remain underdeveloped in Ukraine. Table 5 presents a comparative analysis of key aspects of inheritance regulation—the order of succession, the terms of acceptance of inheritance, the implementation of the obligatory share, and the recognition of a will—in the law of Ukraine, Germany, and France and under the provisions of Regulation (EU) 2020/1784.

Table 5 provides a comparative overview of the key elements of inheritance regulation in Ukraine, Germany, France, and the EU framework under Regulation (EU) 2020/1784. The data highlight the persistence of inflexible procedural deadlines, limited recognition of foreign wills, and formalistic determination of the mandatory share in Ukraine, contrasting with the more adaptable and rights-oriented mechanisms of continental European systems. These divergences show that Ukraine's succession law remains only partially harmonized with EU principles, preserving normative dissonance and restricting the practical application of private autonomy. The findings underscore the need for modernization and closer integration with EU inheritance standards.

A survey of 45 specialists in the field of notary system, law, and judicial proceedings revealed key barriers to the implementation of inheritance rights in Ukraine: 73% of respondents indicated difficulties in accessing inheritance registers, 62%—contradictions between the actions of notaries and registrars, 51%—the lack of mechanisms for temporary protection of property. These problems demonstrate systemic fragmentation of institutional responsibilities and insufficient preventive safeguards, which directly undermine procedural consistency. Only 38% of respondents consider the current model of inheritance protection consistent with the principles of legal certainty and access to justice, indicating not only procedural deficiencies but also low institutional trust among practitioners. Figure 2 shows the distribution of the most pressing problems identified by experts.

Figure 2 presents expert assessments of the main obstacles to the implementation of inheritance rights in Ukraine (n = 45). The most critical barrier, identified by 73% of respondents, is restricted access to inheritance registers, which undermines procedural efficiency in both notarial and judicial practice. Contradictions between notarial and registrar actions (62%) further contribute to institutional inconsistency, while the absence of mechanisms for temporary protection of inherited property (51%) increases the risk of asset loss. Finally, insufficient legal certainty (38%) reflects the broader systemic weakness of inheritance protection in the national legal framework.

The modern system of inheritance law in Ukraine is characterized by regulatory gaps, inconsistent judicial practice, limited effectiveness of notarial acts and digital tools, as well as the lack of a single model of interaction between subjects. These features confirm that the current "Ukrainian model" represents a transitional framework marked by normative dissonance, where legacy rules coexist with partially implemented EU-oriented mechanisms. Empirical data showed a critical need for institutional renewal, harmonization with European standards, and

improvement of the digital infrastructure for access to inheritance rights. In this context, blockchain-based solutions are increasingly discussed in European practice as a tool to ensure immutability, transparency, and real-time accessibility of inheritance registers. Although Ukraine has not piloted such instruments, expert evaluations indicate that their targeted use could address specific systemic problems-particularly delayed entries, fragmented databases, and low trust in digital systems. Without such steps, the principles of legal certainty and access to justice remain largely declarative, and the state's capacity to ensure effective cross-border inheritance protection remains limited.

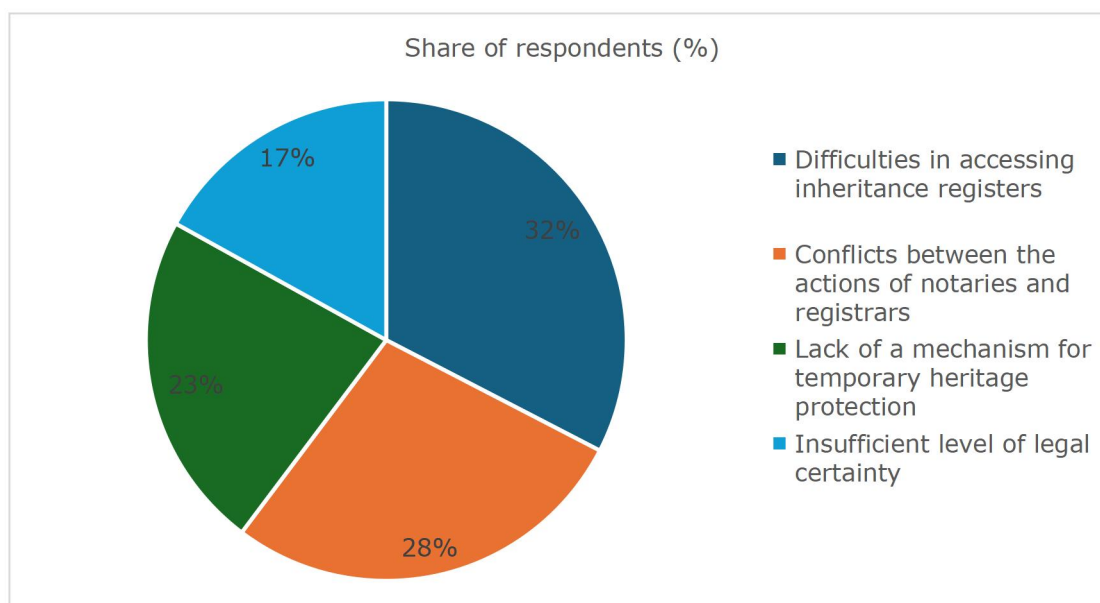


Figure 2. The most common obstacles to the implementation of inheritance rights: expert opinion (in % to n=45). Source: created by the author based on the generalized results of an expert survey among notaries, lawyers, and state registrars, conducted in April–May 2024 in accordance with the principles of research ethics^{63,64} without collecting personal data.

5. Discussion

The findings demonstrate that the substantive protection of inheritance rights in Ukraine is shaped not only by the content of national legislation but, more critically, by the degree of coordination between notarial, judicial, and registration procedures. The fragmented functioning of these mechanisms confirms that Ukraine has not yet achieved the procedural and institutional coherence required for effective succession governance. This corresponds with the argument of MILER⁶⁵, who showed that the effectiveness of Regulation (EU) 2020/1784 depends on the ability of states to implement a unified cross-border inheritance framework, while institutional capacities remain uneven. In the Ukrainian context, persistent barriers stem from legal fragmentation and the coexistence of Soviet-era approaches with selectively adopted EU-oriented provisions. The uneven application of protective measures by notaries identified in our study reinforces the concerns expressed by BRAUN I⁶⁶ regarding the tension between testamentary autonomy and the need to

⁶³ EUROPEAN COMMISSION. 2020. Ibid.

⁶⁴ AMERICAN BAR ASSOCIATION. 2023. Ibid.

⁶⁵ MILER, D. "The EU Succession Regulation and forced heirship: a potential violation of German public policy?", *Journal of Private International Law*, v. 16, n. 2, 2020, pp. 334–349. <https://doi.org/10.1080/17441048.2020.1760469>

⁶⁶ BRAUN, Alexandra. "Testamentary responsibility", *Edinburgh Law Review*, v. 28, n. 2, 2024, pp. 259–278. <https://doi.org/10.3366/elr.2024.0917>

safeguard vulnerable heirs, especially minors and individuals without legal representation.

The variability of judicial interpretations revealed in the analysis-particularly regarding acceptance terms, recognition of wills, and establishment of legal facts-corroborates the conclusions of Viarengo & Re⁶⁷ who highlighted instability in judicial standards across Eastern European jurisdictions in cross-border inheritance matters. Our findings also align with Dutta⁶⁸, who emphasized that conflicts surrounding the mandatory share arise where the testator's autonomy confronts the legally protected expectations of heirs. In Ukraine, this tension is intensified by the dominance of post-factum regulation rather than advance inheritance planning. The limited use of preventive succession tools, especially in family-owned assets, confirms the observations of Miller⁶⁹ that structured pre-inheritance planning reduces disputes-yet this approach remains underdeveloped in Ukraine. The rise of cross-border inheritance claims in our dataset and the absence of mechanisms for recognizing foreign documents support the position of Załucki⁷⁰ who advocates for a unified European register of inheritance decisions. The predominance of the family-solidarity model in Ukraine, reflected in the priority of the mandatory share and limited testamentary freedom, is further consistent with Braun⁷¹, who showed that collectivist systems face inherent difficulties integrating into the European doctrine of autonomy of will. The partial and inconsistent implementation of inheritance protection mechanisms identified in our empirical analysis also mirrors the conclusions of Carata and Chelaru⁷², who linked increased litigation to restrictive testamentary regimes and weak enforcement procedures.

The fragmented application of foreign law in Ukraine's cross-border inheritance cases and the lack of a stable doctrinal approach correspond with the findings of Lein⁷³, who analyzed conflicts between domestic public order and foreign succession rules. Our results demonstrate that the absence of a clear mechanism for protecting inherited property leads to asset loss even in routine cases-an issue comparable to the limitations described by Van Erp et al⁷⁴, regarding the functioning of the European Certificate of Succession in practice. The weak adaptability of Ukrainian notarial institutions to cross-border requirements contrasts with the European implementation strategies summarized by Strong⁷⁵, who emphasized the role of

⁶⁷ VIARENGO, I., RE, J. "Managing cross-border "digital succession" in the digital era: preliminary remarks on the new challenges for the current legal framework", *EU and Comparative Law Issues and Challenges Series (ECLIC)*, v. 7, 2023, pp. 37-52.

⁶⁸ DUTTA, Anatol. "The Europeanisation of International Succession Law", in K. Boele-Woelki, J. K. Miles & J. M. Scherpe (Eds.), *The Future of Family Property in Europe*, Intersentia, Cambridge, 2011, pp. 341-368. <https://doi.org/10.1017/9781839700156.018>

⁶⁹ MILLER, D. "The EU Succession Regulation and forced heirship: a potential violation of German public policy?", *Journal of Private International Law*, v. 16, n. 2, 2020, pp. 334-349. <https://doi.org/10.1080/17441048.2020.1760469>

⁷⁰ ZAŁUCKI, M. "The future of succession law in the EU: A proposal", in C. Santos Botelho & F. da Silva Veiga (Eds.), *Future Law (Working Paper)*, SSRN, Amsterdam, 2020. <https://doi.org/10.2139/ssrn.3588469>

⁷¹ BRAUN A. 2024. *Ibid.*

⁷² CARATA, C., CHELARU, A. L. "The evolution of the digital inheritance: Legal, technical, and practical dimensions of cryptocurrency transfer through succession in french-inspired legal systems", *ArXiv*, 2024. <https://doi.org/10.48550/arXiv.2410.22907>

⁷³ LEIN, E. "Choice of English Succession Law and German Ordre Public", in A. Bonomi, I. Pretelli, G. Romano (Eds.), *Yearbook of Private International Law*, Vol. XXIV, Verlag Dr. Otto Schmidt, Köln, 2023, pp. 407-418. <https://doi.org/10.9785/9783504388454-022>

⁷⁴ Van Erp, S., Zimmermann, K. "The EU Succession Certificate: From standardization to digitalization", *ERA Forum*, v. 23, 2022, pp. 167-180. <https://doi.org/10.1007/s12027-022-00716-7>

⁷⁵ STRONG, S. I. "The European Succession Regulation and the arbitration of trust disputes", *Iowa Law Review*, v. 103, n. 5, 2017, pp. 2205-2250.

procedural modernization and digital integration in applying Regulation (EU) 2020/1784. This gap is particularly notable given the positive domestic experience of digital analytics documented by Kobets et al.⁷⁶, confirming that Ukraine possesses the technological potential to modernize notarial workflows. Additional inconsistencies, such as uncertainty regarding exclusion of heirs on moral grounds, align with the analysis of Garcia Teruel⁷⁷, who demonstrated that Spanish legislation provides a structured ethical basis for such exclusions, ensuring both legal predictability and fairness.

The restriction of foreign law application on public-order grounds identified in our study parallels the reasoning described by McCarthy⁷⁸, in Hungarian practice, where *ordre public* is frequently invoked to protect vulnerable heirs. Similar patterns were observed in Ukrainian cases rejecting foreign wills that conflicted with mandatory norms safeguarding minors. The incomplete incorporation of choice-of-law mechanisms under Article 22 of the Regulation is consistent with the conclusions of Pazdan & Zachariasiewicz⁷⁹ who emphasized that effective implementation of European succession rules depends on procedural clarity and institutional capacity. The overall inconsistency of the Ukrainian framework with EU succession principles also corresponds with Gonçalves⁸⁰, who noted that the Regulation's limited treatment of corporate and fiscal succession matters often results in fragmented national enforcement—an issue mirrored in Ukraine's heterogeneous procedural practices.

The deficiencies identified in the enforcement dimension of inheritance protection further resonate with the findings of Lytvyn et al.⁸¹, who conceptualize the execution of court decisions as a core social guarantee of the effective realization of subjective rights. Their analysis demonstrates that even formally well-designed legal entitlements lose practical value in the absence of coherent enforcement mechanisms, a conclusion that directly aligns with the Ukrainian inheritance disputes examined in this study, where delayed or incomplete execution of judicial decisions significantly undermines heirs' legal certainty. In this respect, the Ukrainian practice reveals structural similarities to broader post-transition legal systems, in which the gap between substantive rights and their enforceability remains a persistent obstacle.

From a broader European integration perspective, the fragmented nature of Ukrainian inheritance protection mechanisms corresponds with the institutional challenges identified by Kryshchanovych et al.⁸², who emphasize that legal approximation to EU standards requires not only formal legislative alignment but also the development of stable institutional frameworks capable of sustaining

⁷⁶ KOBETS, D., KOVALSKA, K., ZOZULIA, N., LOZYNSKA, T., ZASLAVSKA, M. "The effectiveness of data analytics tools in the implementation of human resource management strategies", *International Review of Management and Marketing*, v. 15, n. 2, 2025, pp. 310–316.

⁷⁷ GARCIA TERUEL, R. M. "Excluding Forced Heirs due to a Lack of Personal Relationship with the Deceased in Spain in a Comparative Perspective", *Review of European and Comparative Law*, v. 47, n. 4, 2021, pp. 7–26. <https://doi.org/10.31743/recl.12717>

⁷⁸ MCCARTHY F. 2022. *Ibid.*

⁷⁹ PAZDAN, M., ZACHARIASIEWICZ, M. "The EU Succession Regulation: achievements, ambiguities and challenges for the future", *Journal of Private International Law*, v. 17, n. 1, 2021, pp. 74–113.

⁸⁰ GONÇALVES, A. 2023. *Ibid.*

⁸¹ LYTUVYN, N., ANDRUSHCHENKO, H., ZOZULYA, Y. V., NIKANOROVA, O. V., & RUSAL, L. M. "Enforcement of court decisions as a social guarantee of protection of citizens' rights and freedoms", *Prawo i Więź*, v. 39, 2022, pp. 80–102. <https://doi.org/10.36128/priw.vi39.351>

⁸² KRYSHCHANOVYCH, M., AKIMOVA, L., SHAMRAYEVA, V., KARPA, M., & AKIMOV, O. "Problems of European integration in the construction of EU security policy in the context of counter-terrorism", *International Journal of Safety and Security Engineering*, v. 12, n. 4, 2022, pp. 501–506. <https://doi.org/10.18280/ijssse.120411>

complex regulatory regimes. Although their study focuses on security policy, the underlying conclusion regarding institutional capacity is equally applicable to inheritance law, particularly in the context of cross-border succession cases that demand coordinated action between courts, notaries, and administrative bodies.

Finally, the shortcomings observed in digital registers and inter-institutional coordination echo the arguments advanced by Bondarenko et al.⁸³, who highlight that informatization without integrated strategic governance often leads to fragmented and inefficient outcomes. Applied to inheritance practice, this insight helps explain why the partial digitalization of notarial and property registration systems in Ukraine has not translated into effective protection of heirs' rights. The absence of a unified strategic approach to digital legal infrastructure reinforces procedural uncertainty and exacerbates disparities between national practice and EU succession standards.

Overall, the integration of empirical, doctrinal, and comparative findings supports the interpretation of the "Ukrainian model" not as a consolidated system but as a transitional framework marked by normative dissonance, weak procedural harmonization, and insufficient digital and institutional safeguards. The results indicate that Ukraine's succession law still requires systematic modernization and progressive convergence with European standards-particularly in ensuring legal certainty, procedural consistency, and institutional coherence across notarial, judicial, and registration practices.

6. Limitations

The study was based on a limited set of regional court decisions and publicly accessible notarial records, which restricts representativeness and does not fully reflect cross-border inheritance cases involving non-resident heirs. Fiscal, corporate, and tax aspects were intentionally excluded, although they significantly influence the overall effectiveness and international enforceability of succession procedures. These factors should be addressed in future research for a more comprehensive understanding of inheritance governance in Ukraine

7. Recommendations

Future research should expand the sample to border regions and include cases involving non-residents, as well as fiscal and tax dimensions. Priority should be given to developing an integrated digital interaction system between courts, notaries, and registrars and establishing clear procedural standards for protecting inherited property. Ukraine should also progressively harmonize its legislation with Regulation (EU) 2020/1784, particularly through the introduction of the European Certificate of Succession to strengthen cross-border legal certainty.

8. Conclusions

The study showed that the effectiveness of inheritance rights protection in Ukraine depends on the coherence of the regulatory framework, the procedural coordination of judicial and notarial mechanisms, and the degree of digital integration. Despite recent reforms, significant gaps remain in the protection of inherited property, access to inheritance registers, and the uniformity of judicial practice. Notarial procedures demonstrate weak preventive capacity, while courts predominantly address disputes over wills, acceptance terms, and recognition of

⁸³ BONDARENKO, S., BRATKO, A., ANTONOV, V., KOLISNICHENKO, R., HUBANOV, O., & MYSYK, A. "Improving the state system of strategic planning of national security in the context of informatization of society", *Journal of Information Technology Management*, v. 14, 2022, pp. 1–24. <https://doi.org/10.22059/jitm.2022.88861>

inheritance. The comparison with the EU framework confirms the absence in Ukraine of key harmonization instruments-most notably the European Certificate of Succession-and the lack of a unified mechanism for cross-border inheritance regulation. Expert assessments further underline the systemic fragmentation of current procedures and the transitional nature of the Ukrainian model, which combines Soviet doctrinal legacies with partial alignment to EU standards.

The academic novelty of the research lies in the combined use of regulatory, empirical, and comparative methods to evaluate the functionality of inheritance law and its enforcement. The practical relevance is reflected in the potential application of the results to strengthen the protection of inherited property, improve procedural standards, and support legislative harmonization with European succession principles. Priority should be given to ensuring procedural clarity, enhancing digital interoperability, and advancing Ukraine's convergence with EU inheritance regulation to build a coherent and predictable system of substantive inheritance protection.

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