

SOME ISSUES OF IMPROVING THE LEGAL PROFESSION IN THE REPUBLIC OF UZBEKISTAN AND THE ROLE OF FOREIGN EXPERIENCE

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Abstract

Today, as in all areas of our country, there are developments and achievements in the field of advocacy and human rights. The only example of the high attention paid to this area is the development of the legal profession, increasing the role and prestige of lawyers in criminal, civil, administrative and economic cases in the strategy of action on the five priority areas of development of Uzbekistan. It should be noted that the ongoing processes of globalization in the world community, as well as the expansion of bilateral and multilateral relations of our country with the world have had an impact on the development of advocacy in Uzbekistan. In this article we talk about the role of foreign experience in the development of advocacy in our country.

Key words: Lawyer, Advocate, Advocacy, Legal Aid, Legal Service, Advocacy, Advocate Inquiry

First of all, it should be noted that the bar has been around for centuries and is one of the oldest procedural institutions. Protection of human rights and legitimate interests in the Republic of Uzbekistan is one of the priorities of state policy. The Institute of Advocacy is an important part of implementing this policy.

It should be noted that after gaining independence, the Republic of Uzbekistan has created a legal and regulatory criterion that regulates the activities of the legal profession and guarantees the inviolability of lawyers and their free activity.

In particular, Article 116 of the Constitution of the Republic of Uzbekistan states, "The accused shall be provided with the right to defense. The right to qualified legal assistance is guaranteed at any stage of the investigation and court proceedings. Advocacy works to provide legal assistance to citizens, businesses, institutions and organizations."¹

The Law of the Republic of Uzbekistan "On Advocacy" was adopted on December 27, 1996. The Law "On guarantees of activity and social protection of lawyers" was adopted.

¹Zakirova U. A. Some issues of further improvement of the bar in the Republic of Uzbekistan. Journal of Legal Research. 2017 №1. 87 bet.

One of the most pressing issues in the ongoing reforms in our country is the reform of the legal profession, aimed at protecting the rights and freedoms and legitimate interests of citizens.

Power and status of a lawyer have been increased in connection with the adoption of the Law of the Republic of Uzbekistan "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the improvement of the Bar". In accordance with this Law, a number of amendments and additions were made to the Criminal, Criminal Procedure, Criminal Enforcement, Administrative Liability Codes of the Republic of Uzbekistan, the Law "On Advocacy" and the Law "On Guarantees of Advocacy and Social Protection of Advocates".²

It is acknowledged that the ongoing reforms in the judicial system of the country are aimed at radically strengthening and intensifying the institution of advocacy, ensuring the rule of law in the investigation and trial of criminal, civil and economic matters. In particular, the promulgation of the Decree of the President of the Republic of Uzbekistan Sh. Mirziyoyev PF-4850 dated October 21, 2016 "On measures to further reform the judicial system, strengthening guarantees of reliable protection of the rights and freedoms of citizens" raised to a new level. The decree envisages the development of a number of proposals to further improve the system of legal aid and services in the country, including the further development of the legal profession, strengthening the status of the lawyer and his role in ensuring effective protection of the rights and legitimate interests of citizens. In particular, it is planned to revise the procedure for registration and submission of a lawyer's order to participate in the proceedings, to determine the procedure and deadlines for consideration of a lawyer's request, the procedure and grounds for participation of a lawyer in pre-trial settlement of civil and economic disputes.

In addition, the Decree of the President of the Republic of Uzbekistan Sh.M.Mirziyoev dated February 7, 2017 No PF-4947 "On the Strategy for further development of the Republic of Uzbekistan" to radically improve the quality of legal assistance and services the mechanism of collecting and adding evidence to the criminal case by a lawyer in order to ensure the rule of law, in particular, to increase the role of lawyers in criminal, civil, administrative and economic cases, references from government agencies and organizations, to determine the procedure for requesting and obtaining written opinions of experts, information and advice of experts, in the process of pre-trial settlement of civil and economic disputes, as well as criminal proceedings to expand the participation of lawyers in conciliation proceedings, to reconsider the procedure for drawing up and submitting a lawyer's order to participate in court proceedings, to expand the powers of a lawyer at all stages of the investigation and court proceedings, including establishing mechanisms for attorney's review to reduce the role of state bodies in granting the right to participate as a judge, to license a lawyer and to bring him to disciplinary responsibility; to create opportunities for foreign nationals and stateless persons to practice law, corporate legal advice for legal entities a issues such as the development of legal advice.

The current legislation, social and legal theoretical conclusions on the issues of further improvement of the status of a lawyer in the Republic of Uzbekistan, as well as proposals, recommendations and conclusions formed as a result of the analysis of judicial practice in this regard are presented in 3 parts.

Emphasizing the changes taking place in this area in our country, it should be noted the Decree of the President of the Republic of Uzbekistan "On measures to radically increase the efficiency of the Bar and expand the independence of lawyers." In recent years, significant work has been

²Zakirova U. A. Some issues of further improvement of the bar in the Republic of Uzbekistan. Journal of Legal Research. 2017 №1. 88 bet.

done in our country to strengthen the role and importance of the Bar, one of the effective institutions for ensuring the protection of the rights, freedoms and legitimate interests of individuals and legal entities as an important component of judicial reform. At all stages of the proceedings, measures have been taken to ensure the proper functioning of the principle of adversarial proceedings, and the necessary legal framework for the professional activity of lawyers has been created.³

The above-mentioned decree plays an important role in building the rule of law and the formation of civil society in Uzbekistan, in radically reforming and strengthening the legal profession, and is also noted by foreign experts. In particular, international expert Lisa Gaffi (USA) said: "Uzbekistan has done a lot to strengthen the role of lawyers and ensure the rights of citizens. We made sure it was focused on doing".

It should be noted that currently there are the following main international legal documents that form the basis of legal and ethical regulation of advocacy at the international level:

- The UN Charter, adopted in 1945, proclaimed the right of all people, regardless of gender, language or religion, to create conditions in which human rights are respected and the rule of law is upheld;
- The Universal Declaration of Human Rights, adopted in 1948, which strengthened the principles of equality before the law, the presumption of innocence, impartiality and openness in court, and, most importantly, guarantees of protection;
- The International Covenant on Civil and Political Rights, adopted in 1966, which ratified and clarified the main provisions of the UN Charter and the Universal Declaration of Human Rights;
- The Paris Principles of 1991 or a set of principles for the establishment and effective functioning of national human rights institutions, which were an important step in this gradual development. An attempt was made to define the concept of a national institution by defining the standard status and advisory role of the National Human Rights Commission.

Today, reforms in this area are being carried out, and the Ministry of Justice and the Chamber of Advocates are paying special attention to improving the knowledge and skills of specialists in this field, studying the best practices of developed democracies through comparative analysis. In particular, the experience of the Japanese government in this area has been studied, and one of the most pressing issues is the provision of free legal aid.

In Japan, there is a widely used pro-bono system, which is mainly subsidized by the state. Free legal aid to citizens is financed from the main source. The first is that in Japan, there are regional and central chambers of attorney, and each lawyer has to be a member of both organizations. Membership fees are approximately US \$ 300. From these funds, the chambers form a budget and a fee is paid to lawyers to provide financial assistance to certain citizens.

Another is the Legal Aid Center in Japan, or a semi-public organization called "legal terrace" in the vernacular. The organization specializes in providing free legal aid to citizens with an annual budget of 46 billion 100 million yen. Most pro-bono lawyers contract with a "legal terrace." There are more than 47,000 lawyers in the country, 70% of whom work on a "legal terrace" to provide free legal assistance on a contractual basis.

In addition, the country's annual budget is \$ 1 trillion, of which about \$ 3 billion a year is allocated to the judiciary to provide legal assistance. Part of the money will be directed to the "legal terrace".

³Decree of the President of the Republic of Uzbekistan "On measures to radically increase the efficiency of the Bar and expand the independence of lawyers." <https://lex.uz/ru/docs/-3731060>

In conclusion, we can say that no matter how much progress is made in the field of advocacy in our country, there is some work that needs to be done. As an example, we can say that the issue of free legal aid to the population in the example of Japan has not yet been fully resolved in our country. Of course, the above-mentioned legal documents pay special attention to the priority of human rights and interests in the activities of the prosecutor's office and law enforcement agencies, especially in their investigative activities. In order to ensure the constitutional right of citizens to protection, the activities of the bar are being improved.

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