



FOREIGN EXPERIENCE AND PERSPECTIVES IN THE FIELD OF IMPROVING LEGAL SERVICES IN UZBEKISTAN

Inoyev Azizbek Komilovich

The Master student of TSUL

<https://doi.org/10.5281/zenodo.11316202>

ARTICLE INFO

Received: 18th May 2024

Accepted: 24th May 2024

Online: 25th May 2024

KEYWORDS

Legal service, experience, law, legal system, activities, legal employees, legal service structure, decree.

ABSTRACT

This article discusses the importance of foreign experience and perspectives in the area of legal services in Uzbekistan. Georgian, French, Japanese, and Canadian experiences are taken into deep analysis in this research work.

Introduction. Uzbekistan, a rapidly developing country in Central Asia, has been actively seeking to modernize its legal system and improve the quality of legal services available to its citizens. As the nation continues its transition towards a market-based economy and strengthens its ties with the global community, the importance of incorporating international best practices and foreign expertise has become increasingly evident. Today, by using foreign experience in the field of legal services in our country, we are strengthening the rule of law in the activities of state bodies and organizations, and enhancing the role and responsibility of consultants who provide legal services. Also, the advanced achievements in the provision of legal services, which are gradually introduced in the system of the Ministry of Justice, are being introduced and serve to achieve positive results in the new system.

Uzbekistan has sought international expertise in several crucial areas, including legal services. The country's legal system, which was inherited from the Soviet era, has changed significantly in recent years, but there is still an opportunity for development to satisfy the changing demands of the population and business community. In this regard, Uzbekistan has drawn on the experiences of other nations, notably those that have successfully modernized their legal systems and improved the accessibility and quality of legal services. For example, the country has been examining the ways taken by developed countries in Europe and North America, where legal services have grown more client-centric, technologically advanced, and sensitive to changing market demands. Another focus has been on the digitization of legal services. Uzbekistan has recognized technology's potential to improve the accessibility, efficiency, and transparency of the legal system. The country has been working with foreign specialists and technology companies to create digital platforms for legal services, including online dispute settlement, e-filing systems, and automated legal help tools.



Literature review. After attaining independence, the Republic of Uzbekistan established a legal and regulatory framework to govern the legal profession and protect lawyers' rights. 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. (Zakirova, 2017)

Reforms in the country's judicial system aim to enhance advocacy and ensure the rule of law in criminal, civil, and economic problems. In particular, the promulgation of the Decree of the President of the Republic of Uzbekistan Sh. Mirziyoyev PF4850 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 aims to promote legal aid and services in the country by developing the legal profession and improving the role of lawyers in providing adequate protection. Citizens' rights and legitimate interests. The procedure for registering and submitting a lawyer's order to participate in proceedings, as well as the deadlines for considering a lawyer's request and the grounds for participation in pre-trial settlement of civil and economic disputes, will be revised.

The President of the Republic of Uzbekistan issued a decree highlighting recent changes in this area of our country "On measures to radically increase the efficiency of the Bar and expand the independence of lawyers." The Bar plays a crucial role in protecting the rights, freedoms, and legitimate interests of individuals and legal entities, and is a key component of judicial reform in our country. Efforts have been made to maintain the notion of adversarial procedures throughout the processes, and a legal framework has been established for lawyers to operate within.

Method. This research paper is based on the qualitative data collection. The provided information is delivered through methods such as comparative analysis, analysis and synthesis, generalization, systematic approach, and rationality.

Discussion. Today, the activity of the legal service formed in Uzbekistan is mainly based on the content of the service. But in world practice, such activities have already been transferred to the service system. In particular, legal services have developed mainly in terms of service provision in countries such as France, Spain, Canada, Japan, Singapore, Georgia, Great Britain, South Korea, and the USA. Let's take a closer look at the experience and achievements of these countries in the field of legal services below.



The main activities of legal service employees in Georgia are focused on the following services:

Registration of companies (LLCs), representative offices and branches in Georgia

Solving corporate problems in Georgia

Tax expertise and advice in Georgia

Development of contracts

Preparation of written legal conclusions on the legislation of Georgia

Advice on customs issues in Georgia

Liquidation of companies in Georgia

Support for participation in tenders in Georgia

Obtaining licenses/permits in Georgia

Business support services in Georgia

Along with this, it should be noted that there is also a specialization in legal services (Makhmudov, 2023):

- Document preparation services;
- Contracting services;
- Intellectual property;
- Litigation and dispute resolution services;
- Financial and legal advice;
- Power of attorney and representation;
- Licenses and permits;
- Tax rights;
- Corporate management support

According to Rubinskiy, (2007), Legal service activities are organized in French public administration bodies, i.e. local, national bodies, ministries, and other state agencies, which provide qualified legal services that help to implement the activities of the relevant bodies within the law. It focuses on developing and introducing relevant proposals to improve their effectiveness and eliminate the adoption of regulatory legal documents inconsistent with the state's interests.

Legal service structures, the number of employees working in these structures, requirements for them, as well as, the role and powers of legal services, vary depending on the nature of the activity of this body. As an example, it can be said that according to the scope of authority, it deals with the study of permits related to various land rights, applications, and complaints related to the appeals of citizens. From 2 to 10 legal service employees can work in city halls with insurance, litigation, and other relevant powers. In the departments of legal services operating in the ministries, the number of employees can be observed from 10 to 40 people, and in some cases even more than 50 people. This law stipulates that employees



working in the field of legal services may act as legal consultants and representatives of the state institutions and agencies they serve.

The model of organization and operation of the public legal service in the Canadian legal system, which belongs to the Anglo-Saxon family of law, embodies the advanced achievements in the world legal field. The main feature of this model is that all legal services (with some exceptions) are concentrated in the Ministry of Justice to ensure the implementation of the unified legal policy of the state. Another achievement of the Canadian model is that it is related to the activity of developing legislation, according to which all initiatives emanating from the executive government at any level, the draft law in the form of the text of the Ministry of Justice of Canada registered by the state. Of course, this process makes it possible to sufficiently improve the quality of laws and regulations adopted in the country, as well as to prevent collisions that may occur during their implementation.

It is worth noting that according to the current legislation in our country, the Ministry of Justice of the Republic of Uzbekistan is the responsible public administration body that implements the unified state policy in the development of legal norms. Furthermore, within the framework of the strategy of centralization in the existing regulatory legal documents, more and more responsible functions are being assigned to the justice bodies. The advanced experience of training legal personnel in the organization of legal services in Japan is noteworthy. It should be noted that today in our country, at the level of higher education, the system of training targeted personnel specifically for the legal service system has not been sufficiently established, and graduates mainly apply for work in this field only after professions and positions such as lawyers, prosecutors, judges, notaries, and investigators. However, the fact that a large market for labor resources has emerged in this field creates the need for targeted training of legal service personnel not only in the public sector but also in the private sector, which offers high positions and salaries. In this regard, if we study the legal training system of Japan, we can be sure that they have a highly organized education system and specialization in this field, and they are based on a unified legal examination system. For example, in Japan, a person who has passed the qualifying examination is allowed to enter the Institute of Legal Research and Internship and do legal practice there as a state legal intern. In addition, within the framework of the unified examination system in Japan, legal personnel are included in such subjects as bankruptcy law, tax law, intellectual property law, economic law, labor law, international law, investment law, competition law, advertising, and document examination. (Xirao K, 2018)

Based on this, it would be appropriate to establish a system of training legal personnel for legal service activities in all higher education institutions that provide legal education in our country, just like the Japanese system.

Conclusion. To sum up, France, Canada, Germany, Japan, South Korea, Singapore, and Georgia, countries such the training of personnel in the field of legal services, establishing harmony between theory and practice, promoting the activities of legal employees, and providing information great potential and achievements have been achieved in the field of wide introduction of technologies. If we deeply study the innovative advanced experience of these countries in the field and implement it into our national legislation, we will bring the field of legal services in our country to a new level.



References:

1. Imamkulov Alisher Norboboevich, & Kuvondikov Zokir Oblakulovich. (2022). SOME ISSUES OF IMPROVING THE LEGAL PROFESSION IN THE REPUBLIC OF UZBEKISTAN AND THE ROLE OF FOREIGN EXPERIENCE. *Conferencea*, 494–497. Retrieved from <https://conferencea.org/index.php/conferences/article/view/523>
2. Maxmudov F.B. Yuridik xizmat xodimlarini tayyorlash tizimini takomillashtirish: xorijiy tajriba misolida// “Yuridik xizmat ko’rsatish istiqbollari: muammo va yechimlar” ilmiy amaliy konferensiyasi materiallari. – T.: Yuristlar malakasini oshirish markazi, 2023. -B.34.
3. Report of the Royal Commission on Government Organization, Volume I: Management of the Public Service. Ottawa: Queen's Printer, 1962. P. 19.; McLeod T. H. Glassco Commission Report // Canadian Public Administration. 1963. Volume 6, Issue 4. P. 386–406.
4. Kalliopi Kerameos und Joanna Wielgosz. Der Rechtsanwalt in Frankreich// https://legalprofession.uni-koeln.de/fileadmin/user_upload/Frankreich/derrechtsanwaltinfrankreich.pdf
5. Рубинский Ю. И. Государственная служба Франции // Современная Европа. 2007. № 2. С. 78–90.
6. Хирао Кодзи, “О системе подготовки юристов в Японии и ее целях”. Вестник Санкт Петербургского университета, 2018. -Право 4: 593–604.
7. Zakirova U. A. Some issues of further improvement of the bar in the Republic of Uzbekistan. *Journal of Legal Research*. 2017 №1. 87 bet
8. 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." <https://lex.uz/ru/docs/-3731060>
9. Portal for discussion of draft regulations. <https://regulation.gov.uz/en/d/320827>. Official website of the Ministry of Internal Affairs // URL: <https://www.iiv.uz>