

ORGANIZATIONAL AND LEGAL FOUNDATIONS FOR THE DEVELOPMENT OF THE LEGAL PROFESSION IN THE TERRITORY OF UZBEKISTAN

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Abstract. The article analyzes the organizational and legal foundations of the development of the legal profession in the territory of Uzbekistan. Scientific research into the history of the development of the organizational and legal foundations of the institution of advocacy in our country and its specific features serves as a basis for the effective implementation of the goals and activities of the advocacy. These studies will contribute to the improvement of the legal and practical foundations of the institution of advocacy, as well as ensure the precise and effective fulfillment of the tasks assigned to lawyers.

Keywords: governing bodies, board, bar association, professional association, civil service.

O‘ZBEKISTON HUDUDIDA ADVOKATURA INSTITUTI RIVOJLANISHINING TASHKILIY- HUQUQIY ASOSLARI

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Annotatsiya. Maqolada O‘zbekiston hududida advokatura instituti rivojlanishining tashkiliy-huquqiy asoslari tahlil qilingan. Mamlakatimizda advokatura institutining tashkiliy-huquqiy asoslarining rivojlanish tarixini va uning o‘ziga xos xususiyatlarini ilmiy tadqiq qilish, advokaturaning maqsadi va faoliyatini samarali amalga oshirish uchun asos bo‘lib xizmat qiladi. Bu tadqiqotlar advokatura institutining qonuniy va amaliy asoslarini takomillashtirishga yordam beradi, shuningdek, advokatlar zimmasiga yuklatilgan vazifalarning aniq va samarali bajarilishini ta’minlaydi.

Kalit so‘zlar: boshqaruv organlari, hay’at, advokatlar hay’ati, kasbiy birlashma, davlat xizmati.

ОРГАНИЗАЦИОННО-ПРАВОВЫЕ ОСНОВЫ РАЗВИТИЯ ИНСТИТУТА АДВОКАТУРЫ НА ТЕРРИТОРИИ УЗБЕКИСТАНА

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Аннотация. В статье анализируются организационно-правовые основы развития института адвокатуры на территории Узбекистана. Научное исследование истории развития организационно-правовых основ института адвокатуры в нашей стране и его особенностей служит основой для эффективной реализации целей и деятельности адвокатуры. Эти исследования способствуют совершенствованию правовых и



практических основ института адвокатуры, а также обеспечивают четкое и эффективное выполнение задач, возложенных на адвокатов.

Ключевые слова: органы управления, коллегия, коллегия адвокатов, профессиональное объединение, государственная служба.

Introduction

Scientific research and study of the genesis and features of the development of the organizational and legal foundations of the institute of advocacy in our country is of great importance in improving the organizational and legal foundations of the institute of advocacy. Historical, scientific-theoretical analysis shows that the genesis of the development of the organizational and legal foundations of the institution of advocacy in our country, based on the forms of organization of the advocacy, can be divided into the following historical stages:

the first stage - the period of Islamic law - from the 8th century to the beginning of the 20th century;

the second stage - the period of Soviet law - from 1917 to 1991;

the third stage - the period from 1991 to 2007;

fourth stage - the period from 2008 to 2017;

the fifth stage - the period from 2018 to the present.

Studies have shown that the institution of advocacy in our country is considered the oldest legal institution [1]. Especially during the first stage of historical development - from the 8th century to the beginning of the 20th century, when Islamic law was in effect, the protection of each individual from injustice and the struggle for truth were the focus of the works of Farabi, Maturidi, Bukhari, Navoi, and others. In their works, they mainly studied Islamic jurisprudence - fiqh.

In the Middle Ages, special servants - muftis and scholars - who were experts in Islamic law - sharia - served the judges in our country's territory. They drew up applications, complaints, and other documents on behalf of the judge or at the request of the plaintiffs - victims, defendants (accused). For example, twelve muftis served in the court of the chief judge of the Bukhara Emirate [6]. They provided legal assistance to citizens for a fee.

The above indicates that the first signs of advocacy in our country were the priority of the religious factor in the life of the state and society, the existence of religious courts, the fact that persons engaged in providing legal assistance were Sharia experts, and they worked in the judicial system.

Methodology

The article uses methods of analysis, synthesis, comparative analysis, indexation, and deduction.

Research results

The establishment of public service-based advocacy in Europe in the 17th century [7] and the establishment of professional associations of lawyers based on it, the emergence of self-governing organizations of lawyers in Uzbekistan also initiated the trend of advocacy becoming a professional association. According to sources, the first self-governing legal profession in Uzbekistan was established in 1879 in Kokand by Abdunabi Kuroilboy as the "Defenders' Branch" [8]. At the same time, in 1899, a board of defenders was formed under the Tashkent Judicial Chamber and district courts, which acted in accordance with the



legislation of Tsarist Russia. In Bukhara, in 1915, the "Volunteer Lawyers' Branch" [9] was established by Valikhankhoja.

The Court Statute, adopted in Tsarist Russia in 1864, was a decisive factor in this. Based on this important historical document, the bar was declared an independent, self-governing organization that provides legal assistance to citizens in accordance with the law, in particular, protecting their interests in court, free from state intervention by lawyers. Legal consultations have been opened for the population. Lawyers have been granted the status of human rights defenders and representatives of citizens in court.

The peculiarity of this period is expressed in the fact that the organizational and legal aspects of the institution of advocacy developed on a democratic basis, the introduction of independent, self-governing principles of advocacy.

The second stage of historical development - the period from 1917 to 1991, when Soviet law was in effect, shows that the organizational and legal foundations of the institution of advocacy in our country developed on the basis of undemocratic principles. In particular, from 1917, Soviet rule began to organize the legal profession on the basis of public service. For example, the Decree "On the Court," adopted in 1918, established a body of human rights defenders under the Councils of Workers', Soldiers', Peasants', and Cossacks' Deputies. The members of the board were elected and recalled by the council. Lawyers were considered officials, they were assigned a salary equal to that of a people's judge, and their main task was to assist the court.

In 1920, at the Congress of Soviet Justice, it was recognized that the board of defenders on the basis of public service did not justify itself, but from 1922, at the provincial level, with the consent of the political party organization, membership in the board was permitted. At the same time, in 1926, on the basis of the Statute on the Judicial System, the People's Commissariat of Justice approved the Statute on the Board of Defenders. In the Criminal Procedure Codes of 1926 and 1959, the rights of the defense counsel were not so high.

On May 31, 1961, the Statute on the Bar of Uzbekistan was approved. The Regulation defines the role of the bar association in protecting the rights and legitimate interests of individuals and legal entities, strengthening legality, and promoting justice. It has been determined that the Ministry of Justice and its territorial subdivisions will carry out general management of the legal profession. In this case, the rejection of admission to the bar association, exclusion from its composition, and cancellation of decisions of the general meeting and presidium [10] were carried out by the justice authorities.

According to this regulation, the status of the general meeting of the board, the presidium as an executive body, and the audit commission was determined. Legal consultations have been established. The presidium of the board is elected by the general meeting, the chairman of the board and his deputy - by the members elected to the presidium. The head of the legal consultation office was appointed by the presidium of the board. Members of the board were prohibited from any activity other than scientific and pedagogical. The Ministry of Justice has been granted broad powers to determine the procedure for providing legal assistance, improve the professional qualifications of lawyers, and disseminate their positive work experience.

On November 12, 1980, the Presidium of the Supreme Soviet of the Uzbek SSR approved the Regulation "On the Bar of the Uzbek SSR"[11]. According to this regulation, as an organizational form of advocacy, there was one bar association (collegium) in the Karakalpak ASSR, regions and Tashkent city, and their district legal consultation offices. "The Bar



Association is formed, firstly, by the founders, consisting of persons with higher legal education, and secondly, at the initiative of the regional and city executive committees of people's deputies."

A distinctive feature of this organizational procedure was that issues related to the formation of a bar association required the consent of the Ministry of Justice and its territorial justice departments on the ground. It was during this period that all issues related to the formation, abolition, management, control of the activities of bar associations, the creation of governing bodies, the appointment and dismissal of the chairman of the bar association, heads of legal advice offices were resolved with the consent of the Ministry of Justice of the Uzbek SSR and local justice departments and regional, city, and district executive committees of people's deputies.

According to B. Salomov, in Uzbekistan and the former Soviet Union as a whole, there was no public organization or self-governing body uniting lawyers. In February 1989, in Moscow, 507 representatives from the bar associations of 13 republics of the country (except Lithuania and Estonia) founded the Bar Association[2]. In 1992, this organization was reorganized under the name International Bar Association.

Conclusion

The above analysis shows that during the period from 1917 to 1991, when Soviet law was in effect, the organizational and legal foundations of the institution of advocacy in our country were one-sided, that is, the interests of the state, not the individual, were of paramount importance. There was an organizational and legal unit of the bar in the form of a collegium and a legal consultation office.

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