



## INTERNATIONAL EXPERIENCE OF ADVOCACY ACTIVITIES: ADAPTATION PATHWAYS FOR UZBEKISTAN

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**Abstract:** This article is dedicated to studying international practices in advocacy and the potential for their application in Uzbekistan. It examines international trends such as the legal foundations of advocacy, the independence of lawyers, and their rights in protecting the interests of clients. The article proposes methods for adapting international experiences to develop advocacy in Uzbekistan and integrating these practices into national legislation. In particular, it considers ways to strengthen the independence of lawyers, enhance their professional training and qualifications, and improve the functioning of advocacy structures.

**Keywords:** advocacy, advocacy activities, Western European advocacy, deontological code, legal assistance, Habeas Corpus, international experience, legal independence, advocacy structures, models, professional qualifications.

**“Ensuring the fundamental rights and freedoms of citizens and the independence of lawyers and judges in practice is extremely important. In this regard, the positive reforms being implemented in Uzbekistan under the direct leadership of His Excellency, President Shavkat Mirziyoyev, deserve high praise.**

**Since the new President of Uzbekistan took office, we have observed rapid and commendable changes across all spheres of life in your country. In particular, significant strides have been made toward ensuring openness and transparency, as well as strengthening the independence of judges and lawyers.**

**I fondly recall my visit to Uzbekistan three years ago, during which I engaged in fruitful dialogues with the President of Uzbekistan and heads of relevant institutions.**

**Taking this opportunity, I would like to emphasize that our trust-based dialogues have borne positive results, as we now witness consistent development toward ensuring the rule of law in your country.**

**I welcome the consolidation of the norm prohibiting the death penalty in your Constitution. Undoubtedly, significant attention is being paid to the development of the ‘Habeas Corpus’ institution and the guarantee of citizens’ freedom of movement within the country’s territory, which is of utmost importance.**

**It is noteworthy that the principles of rule of law are being enshrined in your Constitution. Particularly admirable is the reflection of the principle of ‘Uzbekistan as a legal state’ in the updated Fundamental Law.**

**I am genuinely supportive of the establishment of constitutional norms in your Constitution that will serve as guarantees for building a true legal state. This will undoubtedly ensure the true independence of judges and, importantly, lawyers.”**

**Diego García-Sayán**  
**Special Rapporteur on the Independence of Judges and Lawyers,**  
**United Nations Human Rights Council**

In contemporary international law, special attention is given to human rights and freedoms and their protection. The critical role of the legal profession in addressing these issues is increasingly reflected in international legal documents related to human rights.

The term “**advocature**” is derived from the Latin word “advocatus,” and it denotes a socio-legal institution with a distinct status comprising professional associations tasked with legal representation, defense in court, and, in a broader sense, the provision of qualified legal assistance.

In the Republic of Uzbekistan, the legal profession is one of the fundamental and essential institutions of civil society, bearing the constitutional duty of providing qualified legal assistance to individuals and legal entities. For this reason, from the earliest years of our country’s independence, special and continuous attention has been devoted to reforming the legal profession as an integral part of the judicial system, establishing a robust and independent legal system based on democratic principles.

The significant changes in the political life of our country, along with economic, social, political, and judicial reforms, necessitate the development of the legal profession in alignment with contemporary needs, continuously improving its legislative and legal foundation. From the time Uzbekistan gained independence to the present, the legal profession, as an inseparable part of the judicial system, has continuously developed and advanced in tandem with other areas of public life.

Thus, the development of the legal profession in Uzbekistan can be conditionally divided into the following three main stages:

- **Stage 1: 1990-1996**
- **Stage 2: 1996-2016**
- **Stage 3: 2016-2021**

As a legal and practical result of the initial reforms implemented in the advocacy system, the first laws on advocacy in the country were enacted. On December 27, 1996, the Law “On Advocacy” was adopted, and as a logical continuation of this law, on December 25, 1998, the Republic of Uzbekistan adopted the Law “**On Guarantees of Advocacy Activities and Social Protection of Advocates.**”

Certain issues have emerged during the implementation of laws and regulations governing the legal profession. These include redundant or declarative norms in existing legal documents, particularly in the “**Law on Advocacy**” and the “**Law on Guarantees for Advocacy and Social Protection of Advocates.**” Additionally, changes at the current stage of development, the integration and liberalization of all sectors with the international community, and the deepening of social processes underscore the need for reforms in Uzbekistan’s legal profession and further improvement of legislation regulating the sector.

On May 1, 2008, the President of the Republic of Uzbekistan issued a Decree titled “**On Measures for Further Reform of the Legal Profession in the Republic of Uzbekistan.**” This decree introduced significant amendments and additions to the “Law on the Bar.” For the first time, the decree recognized the legal profession as one of the primary institutions of civil society and outlined key directions for reforming the sector, including the establishment of an effective self-governing centralized system for the legal profession. The decree also emphasized the need to raise qualification standards for candidates for the bar, mandated regular professional training for lawyers, created an effective licensing system to ensure the profession is staffed with honest and highly skilled professionals, ensured procedural equality between prosecution and defense in criminal proceedings, and gradually improved the institution of party representation by restricting court participation to individuals with specialized legal knowledge. Additionally, it set forth mechanisms for monitoring compliance with ethical standards by lawyers and improved the disciplinary system for the legal profession.

**According to analytical data, more than 4,000 lawyers currently practice in the republic, equating to an average of one lawyer for every 8,500 people, with 43% (1,733) working in Tashkent. Only 51 of these lawyers are under 30. On average, there is one lawyer per 7,600 people in Uzbekistan, compared to other countries where this ratio is significantly lower. For example, in Israel, there is one lawyer per 136 people; in Italy, 265 people; in Spain, 328; in the United Kingdom, 386; in Germany,**

499; in Turkey, 794; in Georgia, 833; in Ukraine, 1,205; in France, 1,020; in Russia, 1,870; and in Kazakhstan, one lawyer per 3,932 people.

In accordance with Presidential Decree No. PF-5441 of May 12, 2018, the “**Comprehensive Action Plan for the Further Improvement of the Legal Profession**” was developed, bringing several amendments and additions to existing legislation. The legal profession plays a crucial role in maintaining legal order in society and protecting human rights. International experience demonstrates that the effectiveness of the legal profession depends on the independence of lawyers and their strict adherence to established norms in practice. Therefore, this article examines the potential to study international experience and adapt it for Uzbekistan.

In all Western European countries, deontological codes for lawyers (codes of professional ethics) exist and serve as mechanisms to oversee the fulfillment of lawyers’ professional duties. The ethical and normative rules governing Western European lawyers stem from the traditions in these countries and relate to the conditions and nature of the duties performed by lawyers. Western European countries recognize the legal profession as a civil society institution and contribute to strengthening its institutional independence.

To better understand the role and function of the legal profession in Uzbekistan, it is essential to examine the advanced practices of organizing the legal profession in foreign countries. Analyzing the legal foundations and practices of the legal profession in foreign countries can help identify the problematic aspects of the legal profession in Uzbekistan and possible solutions.

**It is noteworthy that the number of lawyers in Western Europe has increased significantly in the last 50 years. Since 1960, the number of lawyers has tripled, with 312 lawyers per 100,000 people today. In 1970, only a few firms had more than 100 lawyers, whereas now there are thousands of mega-firms. The range of legal services offered has also steadily increased.**

If we examine the self-governance systems of lawyers in Western European countries, we can observe the use of different models of self-governance by the legal profession in Western Europe.

**The first model** is a classic one, where membership in the legal profession is tied to membership in a bar association. This structure is based on principles of corporate governance, where members themselves are the source of rights and powers and delegate some of these to governing bodies. Lawyers are required to adhere to their organization’s charter, and membership in the professional organization and payment of membership fees become mandatory. Individuals who are not members of the professional lawyers’ organization are not entitled to engage in legal practice.

This model is used by countries such as Germany, France, Italy, Greece, Spain, the Netherlands, and Belgium.

**The second model** is characterized by bar associations established on a territorial basis, uniting all lawyers registered within a specific federal state jurisdiction. Each bar association’s jurisdiction applies to the federal state in which it was established and to all lawyers registered with that particular bar association.

Austria serves as a typical representative of this model. In Germany, self-governance of the legal profession incorporates mandatory elements from both models.

**The third model** envisions self-governance of the legal profession through associations or unions, such as the Association of Lawyers in Sweden or the Swiss Bar Association in Switzerland.

#### ✓ **International Legal Foundations of Legal Practice**

Legal practice in many countries is based on key legal principles defined by legislation. Specifically, the UN’s “Basic Principles on the Role of Lawyers” (1990) document outlines the independence of lawyers and their rights and responsibilities to protect the interests of the individuals under their defense.

#### ✓ **Key Principles of Legal Practice in International Experience**

According to international experience, lawyers conduct their activities based on the following principles:

- Independence – Lawyers must be independent from state and other external influences and should protect the interests of their clients impartially.
- Professional Ethics and Competence – Lawyers must adhere to professional standards and continuously improve their knowledge and skills.
- Legal Guarantees of Defense Activities – Lawyers must have legal rights and guarantees when defending individuals in court.

### ✓ **The Need for the Development of Legal Practice in Uzbekistan**

There is a need to adapt international principles to improve legal practice in Uzbekistan. Lawyers in Uzbekistan must be able to carry out their activities based on international standards of legal independence and professional preparedness.

### ✓ **Ways to Adapt International Experience to Uzbekistan**

To develop Uzbekistan's legal system, the following measures can be taken:

- **Strengthening Lawyer Independence** – The independence of lawyers in Uzbekistan must be reinforced through legislative measures.
- **Enhancing Professional Training** – Internationally aligned educational programs should be implemented to improve the professional skills of lawyers.
- **Supporting Legal Structures** – Legal organizations should be empowered to operate independently and be free from state interference.

### **Conclusion**

The development of legal practice in Uzbekistan based on international experience contributes to the improvement of the country's legal system, as well as the protection of human rights and interests. By adapting international practices, conditions are created for lawyers to carry out independent and professional activities, thereby strengthening legal order in society.

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