

ISSUES OF IMPROVING LAW LICENSING

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Annotation

This article gives information about the procedure of licensing legal profession in Uzbekistan and some foreign countries and the issues of their improvement.

Annotatsiya

Mazkur maqolada ayni vaqtda O'zbekistonda va ayrim xorijiy mamlakatlarda advokatlik faoliyatini litsenziyalashning tartibi va ularni takomillashtirish masalalari haqida so'z yuritilgan.

Аннотация

В данной статье говорится о порядке лицензирования адвокатуры в Узбекистане и некоторых зарубежных странах и вопросах их совершенствования.

Key words: Advocacy, legal documents, institute of advocacy, Decree, State duty, law offices, law firms, boards of lawyers, base calculation, legislation, codes and legal norms, legal consultancies.

Introduction

In our era, the importance of law has grown immeasurably and is not just a reflection of the latest changes in legislation, codes and legal norms, but the criterion of justice and truth.

Special attention is paid by the leadership of our country to the issues of training legal personnel and creating conditions for teaching modern jurisprudence. For example, by the Decision of the President of the Republic of Uzbekistan dated June 28, 2013 No. PQ-1990 "On measures to further improve the system of legal personnel training", the Tashkent State Legal Institute was renamed as the Tashkent State Law University was established and designated as the basic state higher education and scientific-methodical institution for the training and retraining of personnel in the "jurisprudence" specialty.

In particular, the Comprehensive program for the preparation of new generation textbooks and training manuals in the fields of law was adopted. During the



preparation of educational literature, special attention was paid to the achievements of modern jurisprudence, as well as the experience of democratic changes in the spheres of state-legal, judicial and law enforcement.

Discussion

According to our national legislation, an applicant to engage in advocacy activities must, first of all, have a higher legal education and have a license that gives the right to engage in advocacy activities, and it must be established by law and, of course, only a citizen of the Republic of Uzbekistan can be a lawyer in the Republic of Uzbekistan. It is not allowed to engage in the legal profession of persons who have been found to be incompetent or have limited legal capacity, as well as those whose convictions have not been completed or whose convictions have not been removed. According to the Law on Advocacy, a lawyer does not have the right to engage in other paid activities, except for the following:

scientific and pedagogical activities;

Activities in the Chamber of Advocates of the Republic of Uzbekistan (hereinafter referred to as the Chamber of Advocates) and its regional offices;

activity as a patent representative and mediator;

activity as an employee of the legal service of state bodies, economic management bodies, state enterprises, institutions and organizations on a contractual and legal basis;

activity as a judge in arbitration courts and international commercial arbitrations (courts).¹

"The license to engage in advocacy activity is issued by the Ministry of Justice of the Republic of Karakalpakstan, regional and Tashkent justice departments based on the decisions of the relevant qualification commissions. A person applying for the status of a lawyer to obtain a license) must have at least two years of work experience in a legal specialty, including at least three months in a legal structure (law office, law firm, bar association, legal consultancy) must have completed an internship and must pass a qualifying exam."²

As an employee of the legal service of state bodies, economic management bodies, state enterprises, institutions and organizations, a person who has at least three years of work experience in a legal specialty as a judge, investigator, investigator or prosecutor is qualified without an internship in a lawyer's structure. has the right to

¹ <https://lex.uz/ru/docs/-54503>

² <https://lex.uz/ru/docs/-54503>



participate in the exam. An applicant who fails to pass the qualification exam will have to retake it after at least six months.

An applicant who successfully passes the qualification exam must apply to the relevant judicial authority within three months to obtain a license. An applicant who has missed this period can apply for a license to a judicial body only after retaking the qualification exam.

The procedure for licensing the legal profession is determined by the Cabinet of Ministers of the Republic of Uzbekistan. An applicant who has received a license in the prescribed manner must take the lawyer's oath within three months and establish a lawyer's organization individually or together with other persons who have a license, or enter one of the active legal organizations. The lawyer's license is issued to the applicant within three working days from the moment of the registration of the lawyer's organization or the documents confirming that the applicant has joined the legal organization's operation by the judicial body. The applicant will receive the status of a lawyer from the date of issuance of the lawyer's certificate, the relevant regional department of the Chamber of Advocates will be notified about this by the judicial body within three days. From the moment of receiving such notification, the lawyer becomes a member of the Chamber of Advocates. The form of a lawyer's certificate and the procedure for issuing it are determined by the Cabinet of Ministers of the Republic of Uzbekistan.

The applicant submits an application for a license in electronic form through "Licenzia" IT or the Unified Interactive State Services Portal of the Republic of Uzbekistan. License applications can be submitted 24 hours a day, regardless of weekends and holidays. In this case, when applications are received after working hours or on weekends and holidays, the next working day is the day when the application was received by the licensing body and accepted by the licensing body. The relevant document (mark) confirming the registration of the application is automatically sent to the applicant through "License" IT or YIDXP. The applicant can track the status of his application for a license online through "License" IT. Applicants who have successfully passed the qualifying examination for each chosen specialty must apply to the relevant licensing authority within three months to obtain a license. An applicant who missed this period can apply for a license only after passing the requalification exam. The license is issued by the licensing authority at the applicant's place of permanent residence for an unlimited period and is valid throughout the territory of the Republic of Uzbekistan.



The applicant registers at "License" IT or YIDXP to obtain a license using his digital signature, and when he chooses the type of specialty and fills out the application in electronic form, the following must be indicated in the application:

- surname, first name and patronymic of the applicant;
- personal identification number of an individual (JShShIR);
- phone number, e-mail address (if available);

Permanent Address;

- the type of specialization that the applicant wants to perform.

Information about the applicant's passing of the qualification examination is entered into the "License" IT immediately after the applicant passes the qualification examination by the High Qualification Commission under the Chamber of Advocates and the qualification commissions under the regional offices of the Chamber of Advocates. If the applicant expresses a desire to carry out his activities by establishing a law office in the future, in addition to the application to be filled out for obtaining a license, a request for registration of the law office by attaching the charter of the law office is optional. In this case, the applicant makes separate payments for the licensing of the legal profession and the state registration of the legal office. At the time of application, the applicant must confirm compliance with the license requirements and conditions. If the applicant finds that incorrect information has been entered in the application, the applicant has the right to change the information before paying the application processing fee.

The information entered in the application is initially automatically compared and checked based on the information available in the interdepartmental cooperation systems through "License" IT.

The application will not be accepted automatically in the following cases:

- when incorrect or false information is found through "License" IT;
- in case of non-payment of the fee stipulated in paragraph 6 of the passport;
- when compliance with license requirements and conditions is not confirmed;
- if the applicant has a valid license entered in the license register for the specialty (specialties) chosen by the applicant;
- when the lawyer activity of the applicant is suspended for a certain period;
- when the applicant is prohibited from engaging in relevant activities for a certain period based on the court's decision.



It is not allowed to reject the application on grounds other than those specified in this clause.

If we refer to statistics based on foreign experience, the highest rate in the world belongs to Israel, where there is one lawyer for every 136 people. For this reason, we will focus on the procedure for licensing the legal profession in this country.

Those who want to work as a lawyer in Israel must have a license. Any legal activity performed without a license is illegal (with the exception of teaching by non-lawyers in the academy). Chet el litsenziyasiga ega bo'lgan shaxslar uchun bitta istisno mavjud: chet el litsenziyasi egasi, chet el yuristlarining reyestrda ro'yxatdan o'tishi va faqat litsenziyasi bor mamlakat qonunlariga muvofiq yuridik faoliyat bilan shug'ullanishi mumkin. Ularga Isroil qonunlaridan foydalanish taqiqlangan.

The procedure for obtaining a lawyer's license in Israel is as follows:

The first question to ask when applying for a lawyer's license is whether or not a license to practice is required in the country of origin. For example, a license is not required in Russia. Even without a license, seniority is important for a bar. If an applicant for a lawyer's license in Israel has a license and has more than 5 years of work experience, he is exempt from the final exams.

If the applicant:

- if there is no license or at least two years of work experience with a license, the applicant must confirm his diploma at the Hebrew University. After that, they will apply to the board of lawyers, and then the exam will be passed.
- if he has two years of licensed work experience, he does not need to confirm his diploma at the Hebrew University.

Obtaining a lawyer's license in Israel is carried out in the following stages:

Step 1: verification of the applicant's diploma at the Foreign Diploma Verification Department of the Hebrew University in Jerusalem (for applicants requiring verification). In this:

- It is necessary to submit a notarized application containing the diploma and grades in Hebrew;
 - Required documents: completed application form, diploma and attachments with grades from all levels (for example, if the applicant holds a first and second degree in law), Teudat Zeut (or those who are not yet Israeli citizens for a foreign passport), Teudat Ole, confirmation of the Ministry of Education (if necessary), payment receipt (documents are accepted on the day of receipt; can be paid by post at the university building).



Step 2: Opening a case (tika) at the Bar Association (lishkat orakhei adin). For this, a notarized translation of the diploma and application, a request form, and a confirmation from the Hebrew University are required.

Step 3: Take the exam according to Israeli law. After opening a job, nine exams are required. Exams are written and case studies are required to be legally graded. Exams are held twice a year in January and August.

Stage 4: Internship (itmakhut). According to the current legislation, this stage lasts for one year. According to the amendments to the legislation, starting from August 2020, this period was extended by one and a half years. According to the results of the practice, the applicant submits a report to the board of lawyers.

Step 5: Final Exam. The exam is common to everyone and consists of three parts: written assignment (writing a statement of claim, request, legal opinion, etc.), procedural law (45 questions), substantive law (40 questions). Applicants with more than five years of licensed work experience in their country are exempt from the final exam.

A candidate who successfully passes the final exam will receive a lawyer's license.

Conclusion

In conclusion, any person, including a lawyer who has a lawyer's license in another country, can have a license to practice law in the manner described above. According to the legislation of the Republic of Uzbekistan, citizens of the Republic of Uzbekistan can engage in advocacy. Therefore, foreign lawyers should be given the opportunity to practice professional activities in the Republic of Uzbekistan. According to the working group working on the concept, this will lead to the following positive results in the provision of legal aid and legal consulting services:

1. Increases indicators of implementation of our national legislation in the field to international law norms;
2. Creates an environment of healthy competition between foreign lawyers and our national lawyers in economic and other fields (except for criminal cases) and has a positive effect on the improvement of professional qualifications of local lawyers in the future, as well as on the quality and efficiency of the legal assistance provided.

shows.



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