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Analysis Of The Requirement Having Work Experience In The Legal Profession For A Person Applying For The Status Of An Advocate In Order To Obtain A License For The Right To Practice Law

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ABSTRACT

This article is analyzes on the basis of the legislation of foreign countries, on requirement of having minimum work experience in the legal specialty assigned to a person who files an application for obtaining the status of an advocate with a license that gives the right to engage in activities of advocate, and provides an idea of the possibilities of introducing their positive experience into national legislation.

KEYWORDS

Advocate, Status Of Advocate, License To Practice Law, Work Experience In The Legal Profession.

INTRODUCTION

One of the necessary requirements for becoming an advocate in Uzbekistan is to obtain a license (hereinafter referred to as a license) in the prescribed manner, which gives the right to practice law. The current legislation sets certain requirements for a person applying for the status of an advocate (hereinafter referred to as the applicant) in order to obtain

this license. In particular, the applicant must have at least two years of work experience in the legal specialty, including at least three months of internship in the advocacy structure (law firm, board of advocates and legal advisory office).

MAIN PART

The Law of the Republic of Uzbekistan "On Advocacy" does not contain a clear definition of the length of service in the legal profession, where the applicant works, the length of service in the legal profession and when the length of service in the legal profession is calculated.

In addition, there are a number of barriers to obtaining a license in the current legislation. In particular, the applicant must have at least two years of work experience in the legal profession, as well as at least three months of experience in the bar.

Currently, there is no clear rule on whether work experience would be considered as a 'legal' work experience in the legal profession, so the work experience of those who graduated from 'tekhnikums' (which is qualified as pre-university degree awarding institutions) and worked in positions such as assistant lawyer, legal assistant and other legal information is also considered work experience in law.

"Another issue is the lack of advocates in our country. Therefore, in order to attract young professionals to the field, the requirement for legal internship will be abolished, and people with higher legal education will have the opportunity to pass a law exam after 3 months of training," said President of Uzbekistan Shavkat Mirziyoyev. [1]

The requirements on work experience in the legal specialty for obtaining the status of advocate should not completely exclude from legislation. On the contrary, it is possible to offer applicants an internship within the time

limits established by law as an alternative to this requirement.

If we study the experience of foreign countries in this regard, it is stated that a person who is applying for the status of advocate in the Russian Federation must have at least two years of work experience in a legal specialty or must undergo an internship in the structures of advocate within the periods established by the Federal law of the Russian Federation "On advocacy and activity of advocate". [2]

At the same time, it is established that the length of service in the legal profession is calculated from the time when individuals first receive higher legal education.

In addition, the law clearly states which cases are included in the length of service in the legal profession. In particular, in order to obtain the status of advocate, it is necessary to have worked in federal government agencies, government agencies of the Russian Federation and other government agencies in public positions requiring higher legal education.

It should be noted that in the Russian Federation, a specific category of cases has been defined, and it is stated that only these cases are work experience in the legal profession. In particular, prior to the adoption of the current Constitution of the Russian Federation, positions in the USSR, RSFSR and state bodies of the Russian Federation requiring higher legal education, municipal positions requiring higher legal education, higher legal education in the Judicial Department of the Supreme Court of the Russian Federation. as a legal academic, judge, lawyer, assistant lawyer, notary in positions, in

positions requiring higher legal education in legal services of organizations, in positions requiring higher legal education in research institutions, as well as in vocational education institutions, higher education institutions and scientific organizations work done.

According to D.A.Dobryakov, an applicant for the status of advocate should have a work experience in the legal profession after obtaining a higher legal education. [3, p 379]

V.Y.Abramov stressed the need to make it more difficult to obtain a advocate's status in the Russian Federation, and for this it is necessary to make changes in the sense that the length of service in the legal profession should not be less than five years.

According to the legislation of the Republic of Ukraine, in order to become an advocate, an individual must have at least two years of work experience in the field of law and have completed an internship. [4]

At the same time, the Law of Ukraine "On Advocacy and Activity of Advocate" defines the concept of work experience in the field of law, according to which work experience in the field of law is a work experience in the specialty after obtaining a complete higher legal education.

According to the legislation of the Republic of Armenia, in order to practice activity of advocate, a person must have at least two years of work experience in the legal profession. [5] In this case, a lecturer of law in a non-governmental, state body or local self-government body or organization that requires higher legal education, secondary special, higher special and postgraduate special education institutions, the length of service in

the legal profession required to obtain a license for advocacy, a judge or prosecutor, a lawyer or a trainee lawyer, a notary or an investigator.

According to the legislation of Azerbaijan, in order to become an advocate, an applicant must have at least three years of work experience in the field of law or at least three years of work experience in scientific and pedagogical educational institutions in the field of law. [6]

According to Article 7 of the Law of the Republic of Belarus "On Advocacy and Activity of Advocate in the Republic of Belarus", to become an advocate requires at least three years of professional experience.

An analysis of the legislation of the Republic of Kazakhstan shows that in order to obtain the status of an advocate, an applicant is not required to have work experience in the legal profession. However, it should be noted that the current legislation stipulates that the internship period is included in the length of service in the legal profession. [7]

According to Kyrgyz law, an advocate must have a license to practice law in accordance with the law, Article 19 of the Law "On Advocacy and Activity of Advocate of the Kyrgyz Republic" stipulates that in order to obtain a license to practice law, one must have at least one year of experience in the legal profession. [8]

In addition, the Law of the Kyrgyz Republic "On Advocacy and Activity of Advocate of the Kyrgyz Republic" provides that the length of service in the legal profession required to obtain a license to practice law, which existed in government agencies, including before the

adoption of the current Constitution of the Kyrgyz Republic in public positions requiring higher legal education, in municipal positions requiring higher legal education, in positions requiring higher legal education in legal services of organizations, in positions requiring higher legal education in research institutions, in secondary, higher and postgraduate vocational education institutions a teacher of law, a judge, an assistant lawyer, and a notary.

According to Article 12 of the law of the Republic of Tajikistan “On Advocacy and Activity of Advocate”, for the status of advocate should be passed at least two-year work experience in the legal speciality or an internship in the structure of advocacy within the period established by this law.

The study found that in Tajikistan, the required length of service in the legal profession required to obtain the status of an advocate requires a higher legal education in public administration and civil service positions, regardless of organizational and legal forms requiring higher legal education, in the legal service of organizations, higher legal education. positions in demanding research institutions, judges, prosecutors and investigators, teachers of law, lawyers, assistant lawyers in higher and postgraduate education.

According to Article 9 of the Law of the Republic of Turkmenistan “On Advocacy and Activity of Advocate in the Republic of Turkmenistan”, in order to obtain the status of an advocate, a person must have at least two years of continuous work experience in the legal profession. It should be noted that the internship in Turkmenistan is included in the length of service in the legal profession.

A study of the Georgian Law “On Advocacy” states that the requirements for becoming an advocate do not require work experience in the legal profession, but it is stipulated that in order to become an advocate, one must have worked as an advocate or trainer of advocate for at least one year.

Article 7 of the Law of the Republic of Lithuania "On Advocacy" clearly defines the requirements for becoming an advocate, one of which must have at least five years of experience in the legal field or at least two years of experience as an assistant advocate. [9]

It should be noted that the work in the legal field includes the works listed in the list approved by the Government of the Republic of Lithuania. It should be noted that the length of service in the legal field in the Republic of Lithuania is calculated from the moment of obtaining a bachelor's or master's degree in law or a professional qualification (single-level law university education) and employment in law.

CONCLUSION

Based on the above analysis, we believe that the Law of the Republic of Uzbekistan “On Advocacy” should be amended and supplemented as follows:

First, a rule should be established that the length of service in the legal profession is calculated from the time when individuals first receive higher legal education;

Secondly, the advocacy legislation of the studied foreign countries specifies which jobs and activities are included in the work experience in the legal profession. However,

work experience in the legal profession has been identified as a necessary requirement not only to become an advocate, but also to work with judges and other positions. Therefore, it is not advisable to include it in the Law of the Republic of Uzbekistan “On Advocacy”. In our opinion, the length of service in the legal profession should be included in the list of works approved by the Cabinet of Ministers of the Republic of Uzbekistan;

Thirdly, it would be a mistake, in our opinion, to place work experience in the legal profession as a single mandatory requirement. This is because in the studied foreign countries, the applicant is required to have a work experience in the field of law or to undergo an internship. Therefore, it would be expedient to apply to our national legislation an internship as an alternative to the requirement of work experience in the legal profession.

Summarizing the above analysis, it can be concluded that the proposed changes and additions to the national legislation will, firstly, significantly increase the number of advocates, secondly, to fill the bar with highly qualified young professionals, and thirdly, qualified legal entities and individuals.

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