



Research Article

NECESSITY FOR THE INTRODUCTION OF INDUSTRY-RELATED LEGAL DISCIPLINES IN EDUCATIONAL INSTITUTIONS NOT SPECIALIZED IN TEACHING LAW

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ABSTRACT

The article highlights the necessity to increase the legal awareness of future specialists in the in educational institutions not specialized in teaching law in Uzbekistan, as well as the necessity of establishing the practice of teaching international contracts and industry-related legal disciplines covering the national legal norms, which is scientifically analyzed and supported by scientific and practical examples. An analysis of foreign experience is also presented in this regard.

KEYWORDS

Legal consciousness, legal culture, legal education, crime prevention, legal literacy.

INTRODUCTION

The Resolution of the President of the Republic of Uzbekistan dated June 28, 2013, RP-1990 “On measures to further improve the legal personnel training system” initiated a specific phase of reforms in this

direction. Today, however, there is a growing need for legal personnel in both the practice of law enforcement and in everyday social life. This is particularly clear when it comes to making sure that



legal matters are implemented properly in entrepreneurship, in farmer and peasant (dehkhon) agriculture activities. In this sense, not to mention joint-stock companies and other similar economic structures based on large investment capital in the economic sphere since the demand for personnel with higher legal education is very important in their activity. It should be noted that we are not satisfied even with the statistical data on availability of higher legal education among the area prevention inspectors (local police officers at the police station in each block or mahalla) in the system of internal affairs bodies, who play the leading role in the practice of law enforcement today. Because most of these officials, whose main activity is directly related to legal issues in the society, do not have a higher legal qualification. On August 16, 2017, the Resolution of the President of the Republic of Uzbekistan No. RP-3216 “On measures to radically improve the system of training, retraining and advanced training of employees of internal affairs bodies” was adopted.

Taking into consideration the necessity for competent officers in the internal affairs bodies, the Faculty of Correspondence Education (Distance Learning) was established at the Academy of the Ministry of Internal Affairs. According to it established that starting from the 2018-2019 academic year, the employees of the internal affairs bodies with at least three years of work experience with no higher education qualification shall study for four years, and those with higher education qualification shall study for three years on a fee-contract basis. In the Faculty of Correspondence Education (Distance Learning) the graduates from the specialty “Prevention and detection of crimes” obtain the jurist qualification. In addition, at the Faculty of Vocational Training of the Academy a six-month program approved by the Minister of Internal Affairs of the Republic of Uzbekistan is carried out, that is,

special professional training of persons who graduated from civilian higher education institutions was launched for the appointment to the officer positions in internal affairs bodies. At the end of the course, the graduates are awarded the special title of “lieutenant” and a diploma of the appropriate model.

Special professional training of persons with secondary special, professional or higher education for appointment to the positions of sergeants in internal affairs bodies is carried out by the Faculty of Vocational Training on the basis of the five-month program approved by the Minister of Internal Affairs of the Republic of Uzbekistan.

The first step in resolving the aforementioned issue was the adoption of this resolution. However, the lack of competition in the field of training legal personnel has a negative impact on the formation of a National scientific school of jurisprudence, limits equal access to pursue education for gifted youth, in particular the young people from the regions. In this regard, the Decree of the President of the Republic of Uzbekistan No. PD-5987 “On additional measures to fundamentally improve legal education and science in the Republic of Uzbekistan”, was adopted on April 29, 2020, in order to foster competition in the field of legal personnel training and to address the need for legal personnel, which was a logical continuation of the reforms in this field.

Based on the tasks outlined in this decree, an electronic platform shall be created for monitoring and forecasting the need for legal personnel.

The Decree provides for the introduction of a procedure for the formation of an order for the training of legal personnel, in accordance with which:



parameters of admission to TSUL, law faculties and legal technical schools shall be formed taking into account the current and future needs for legal personnel in state authorities and administrations, organizations of various forms of ownership, including business entities, based on an analysis in the context of each region, sectors of the economy and social areas with the creation of an electronic platform for monitoring and forecasting the needs for legal personnel;

state authorities and administrations, local government bodies, the Chamber of Commerce and Industry and the Council of Farmers, Dehkan Farms and Owners of Household Lands of Uzbekistan annually submit information to the Ministry of Justice of the Republic of Uzbekistan on the needs of employers for legal personnel;

organizations of all forms of ownership, including business entities, have the right to participate in the formation of an order for the training of legal personnel, including paying for the cost of training personnel at TSUL, law faculties and legal technical schools, with the assumption of obligations for continuous work after graduation from the customer organization in the duration of the period specified in the contract;

a competitive selection of educational institutions providing training of legal personnel is being introduced to place an order for the training of legal personnel with the organization of training of specialists on a contractual basis together with potential employers (educational clusters).

Of course, it is not overstating to state that adoption this decree was one of the most significant ways to address the issue of shortage of legal professionals in our nation. A lawyer is needed for every family in

today's society due to the rapid development of society. Based on this, the aforementioned Decree of the President of the Republic of Uzbekistan No. PD-5987 should be reviewed, and it should be made a priority to ensure that law faculties are filled with highly qualified, modern educational forms and methods, and pedagogic personnel with scientific potential and practical work experience. We also believe that it is necessary to establish specialized higher education institutions that provide direct training for lawyer-pedagogue personnel.

At this point, it is particularly noteworthy that the need for legal education is increasing day by day not only in higher and secondary specialized educational institutions but also in educational institutions not specialized in teaching law (within the scope of their specialization). More specifically, state agencies and non-governmental organizations that are unrelated to law enforcement agency make multiple mistakes in the process of enforcing the law. This clearly shows the level of their legal awareness. The key elements of the problem will be once more clarified if we pay attention to certain statistics information relating to this.

For instance, in 2021, the number of decisions of governors found invalid by the administrative courts of Bukhara region were 105. Six of the actions (inaction) of government officials were found to be illegal. In this context, 130 private rulings were issued against guilty officials .

The discovered violation of the law suggests that the accountable personnel of these state bodies lack sufficient knowledge and comprehension of the legal norms, or they are unable to apply them correctly. As a result, the problem of enhancing their legal knowledge is instantly put on the agenda. Thus, higher education institutions that prepare personnel for these state organizations must revise the educational loads in the



pertinent legal disciplines within the context of the disciplines based on jurisprudence specialization.

In particular, we believe that there is a need to effectively develop legal knowledge in these fields by introducing such subjects as “Agricultural Law”, “Corporate Law”, “Entrepreneurial Law”, “Land Law”, “Industrial and Mining Law” as well as “Ecological Law” and “Business Law” in educational institutions not specialized in teaching law.

Additionally, as Uzbekistan is establishing wide international cooperation relations with the world community, the state is concluding international agreements with foreign countries for the purpose of mutual regulation of economic, social, political, cultural, educational and other international cooperation relations. In this sense, the representatives of the administrative office, who have the authority to make a decision on a certain issue, should make a decision in a manner that does not contradict the international agreements related to their field. At this point, a question arises: “how can we find out that the personnel of this administrative office are aware of international agreements?” We believe that the following procedure should be implemented in order to solve this problem.

First, the higher education institutions training specialists in each field should establish the practice of teaching international agreements concluded between Uzbekistan and other countries, which will serve to properly regulate the corresponding relations accordingly.

Secondly, it is necessary to establish a training course for specialists who have graduated (and are currently working in their field) by organizing short-term training courses at their workplaces. If we consider foreign experience in this context, for instance, we can see

that in the USA there are organizations working to increase the population's legal literacy in a variety of ways. These organizations develop their programs aimed at preventing offenses and crimes and submit them to the National Council for the Prevention of Offenses. The National Crime Prevention Council in the United States is organized as a private, non-profit organization unlike similar councils in other countries. The work of this Council is funded by various government agencies, including the Ministry of Justice, the Patent Office, as well as many foundations and individual donations. This Council's major responsibility is to evaluate the delinquency and crime prevention initiatives put forth by private organizations, choose the most appropriate ones, fund them, and oversee them.

We justify our proposal on the necessity of teaching international agreements with the following practical example. Practical case. A person filed a motion to the Administrative Court and claimed to review ‘the decision of Pension Fund Branch Office on the refusal of assignment of disability pension’, and to find it illegal. According to the case materials, it was found that the plaintiff did not submit the disability certificate (issued by the Medical-Social Expert Commission of the Agency for the Development of Medical and Social Services of the Republic of Uzbekistan) defendant (Pension Fund Branch Office). This is a mandatory requirement, which is specified in Clause 15 of the “Regulation on the Procedure for Assigning and Paying State Pensions” approved by Annex 1 to the Cabinet of Ministers Resolution No. 592 of October 13, 2022.

The plaintiff informs the court that he became disabled in 1996 due to an accident while working at doll factory in Moscow, that a certificate of his disability was issued by the Medical Labor Expertise Commission located in Moscow, and the Pension Fund Branch Office



demanded from him a certificate of disability issued by the Medical Labor Expertise Commission of the Republic of Uzbekistan. In accordance with Article 5 of the Agreement between Uzbekistan and Russian Federation signed on September 9, 1994, Agreement “On mutual recognition of rights to compensation for harm caused to employees caused by injury, occupational disease or other damage to health associated with the performance of work duties”, the certificate of the Medical Labor Examination Commission is recognized in the Republic of Uzbekistan and it is not subject to re-examination to prove a person’s disability. In this case, the employee of the Pension Fund relies on the norms of national law due to the fact that he was not aware of the international agreement signed bilaterally between Uzbekistan and Russian Federation. For this reason, he allows human rights to be violated.

REFERENCES

1. The Resolution of the President of the Republic of Uzbekistan “On measures to further improve the legal personnel training system” dated June 28, 2013, RP-1990 // Collection of legislation of the Republic of Uzbekistan, 2013, No. 29, Article 372.
2. Zarif Komilov, Uza.
<https://uza.uz/uz/posts/hokimlarning-ayrim-qarorlari-notogri-qabul-qilingani-aniqlandi>
3. Хуқуқбузарликни олдини олиш миллий кенгаши / Кенгаш ҳақида. <<https://www.ncpc.org/about-ncpc/>>
4. National database of legislation of the Republic of Uzbekistan. <https://lex.uz/>