

ETHICAL STANDARDS AS A TOOL FOR IMPROVING THE ORGANIZATIONAL-LEGAL FORMS OF LEGAL PRACTICE IN THE REPUBLIC OF UZBEKISTAN

Jurayev Anvarjon Ilkhomjon ugli

Master's Student, Faculty of Advocacy, TSUL

ABSTRACT

This article provides a comprehensive analysis of professional ethics in legal practice in the Republic of Uzbekistan. Ethical norms regulating the conduct of lawyers are an integral part of the effective and just functioning of the legal system. The paper examines key legislative provisions, including the Law "On Advocacy", as well as the internal regulations of the Bar Association. Special attention is given to the tasks and priorities outlined in the "New Uzbekistan" Action Strategy, which aims to strengthen the legal culture, increase trust in the institution of advocacy, and establish high standards of professional conduct.

Specific provisions concerning the independence of lawyers, the confidentiality of lawyer-client communications, conflicts of interest, good faith, and responsibility to clients, courts, and society are analyzed. The article also addresses the challenges related to the practical application of ethical standards, particularly in the context of judicial and legal reforms. The opinions and research of Uzbek scholars in the field of legal ethics are presented, along with recommendations for improving the ethical training of lawyers, implementing monitoring mechanisms, and ensuring accountability for violations of professional standards.

The work is both theoretical and applied in nature and can be useful to lawyers, legal educators, lawmakers, and anyone interested in improving professional culture within the legal sphere.

Keywords: *professional ethics, legal practice, lawyer, legal reform, fair trial, lawyer-client confidentiality, conflict of interest, Bar Association, New Uzbekistan.*

ЭТИЧЕСКИЕ СТАНДАРТЫ КАК ИНСТРУМЕНТ СОВЕРШЕНСТВОВАНИЯ ОРГАНИЗАЦИОННО-ПРАВОВЫХ ФОРМ АДВОКАТСКОЙ ДЕЯТЕЛЬНОСТИ В РЕСПУБЛИКЕ УЗБЕКИСТАН

Жураев Анваржон Ильхомжон угли

Магистр факультета: Адвокатская деятельность ТГЮУ

АННОТАЦИЯ

Статья посвящена всестороннему анализу вопросов профессиональной этики в адвокатской деятельности в Республике Узбекистан. Этические

нормы, регулирующие поведение адвокатов, являются неотъемлемой частью эффективного и справедливого функционирования правовой системы. В работе рассмотрены ключевые положения законодательства, включая Закон «Об адвокатуре», внутренние регламенты Палаты адвокатов. Особое внимание уделено задачам и приоритетам, обозначенным в Стратегии действий «Новый Узбекистан», направленным на укрепление правовой культуры, повышение доверия к институту адвокатуры и формирование высоких стандартов профессионального поведения.

Проанализированы конкретные положения, касающиеся независимости адвокатов, соблюдения адвокатской тайны, конфликта интересов, добросовестности и ответственности перед клиентами, судом и обществом. Рассмотрены проблемы и вызовы, связанные с применением этических норм на практике, в том числе в условиях реформирования судебно-правовой системы. Представлены мнения и исследования узбекских учёных в области адвокатской этики, а также даны рекомендации по совершенствованию этической подготовки адвокатов, внедрению механизмов мониторинга и ответственности за нарушение профессиональных стандартов.

Работа носит как теоретический, так и прикладной характер, и может быть полезна для адвокатов, преподавателей юридических дисциплин, законодателей и всех, кто интересуется вопросами повышения профессиональной культуры в юридической сфере.

***Ключевые слова:** профессиональная этика, адвокатская деятельность, адвокат, правовая реформа, справедливый суд, адвокатская тайна, конфликт интересов, Палата адвокатов, Новый Узбекистан.*

INTRODUCTION

As part of the New Uzbekistan Development Strategy for 2022-2026, special attention is given to the reform of the judicial and legal system, ensuring the independence of the bar, and raising professional ethical standards. Ethical norms for lawyers play a key role in achieving objectives related to the protection of citizens' rights and the creation of a fair legal environment [1].

The professional ethics of lawyers are crucial in strengthening the rule of law, protecting citizens' rights and freedoms, and building trust in the justice system. In Uzbekistan, the development of legal practice and the establishment of modern professional ethical standards occur within the context of global changes in legislation and the integration of international norms [2].

The aim of this article is to examine the features of applying professional ethical rules in legal practice in the Republic of Uzbekistan, from the perspective of regulatory legal frameworks and practical implementation.

METHODS

The research is based on the analysis of legal acts, such as the Law of the Republic of Uzbekistan "On Advocacy", as well as international standards, including the UN Basic Principles on the Role of Lawyers. Comparative-legal and systemic methods of analysis have been used. These methods allowed for the identification of existing issues in the legal regulation of legal practice, as well as the proposal of solutions based on international experience and the needs of the national legal system.

RESULTS

1. The Role of Professional Ethics in Trust in Justice: A lawyer who acts within the framework of ethical norms helps to increase citizens' trust in the judicial system.

2. Challenges in Implementing Ethical Norms: Insufficient law enforcement practice and the lack of an effective mechanism to monitor compliance with professional standards pose challenges to the legal community.

These aspects are regulated by the following legal acts:

- The Law of the Republic of Uzbekistan "On Advocacy" (with amendments) contains provisions regulating the behavior of lawyers, their duties to clients, colleagues, and the state [3].
- The Rules of Professional Ethics for Lawyers of Uzbekistan (draft) specifies principles of independence, confidentiality, and good faith.
- The Code of Administrative Responsibility provides for liability for violations of professional ethics [6].

International Standards of Professional Ethics for Lawyers: Role and Importance for Uzbekistan

Ethical standards for legal practice in Uzbekistan are regulated by national legal acts; however, international principles also play a significant role in ensuring their alignment with global standards. In this context, it is necessary to highlight the UN Basic Principles on the Role of Lawyers and the European Principles of Professional Ethics for Lawyers, which serve as benchmarks for improving national legislation [4].

UN Basic Principles on the Role of Lawyers: Adopted in 1990, the UN Basic Principles on the Role of Lawyers aim to ensure the

independence of lawyers and the protection of their professional rights. They emphasize key aspects related to professional ethics that are universal and binding for all states striving to ensure fair justice:

1. Independence of Lawyers:

States must ensure that lawyers can perform their duties without interference, pressure, or threats.

Lawyers must be free to choose the methods of defending their clients' interests.

2. Professional Confidentiality:

Lawyers are obligated to maintain the confidentiality of all information received from the client, including information that may influence the course of the case.

3. Equality before the Law:

States must provide all citizens with access to legal assistance on equal terms.

Special attention is paid to the protection of vulnerable groups.

These principles are of practical importance for legal practice in Uzbekistan, where protecting the independence of lawyers and ensuring their confidentiality are priority tasks enshrined in the Law of the Republic of Uzbekistan "On Advocacy."

European Standards of Professional Ethics, developed by the Council of Bars and Law Societies of Europe (CCBE), provide a model for improving professional codes in EU member states and beyond. These principles include:

1. Independence of Lawyers:

A lawyer must be free from any influence that might affect their professional duties.

A lawyer is prohibited from engaging in conflicts of interest or acting against the interests of their client.

2. Obligation to Maintain Legal Professional Privilege:

This obligation includes non-disclosure of information obtained from the client and extends to all stages of the lawyer's professional activity.

3. Fairness and Loyalty:

A lawyer must diligently defend the interests of the client, acting within the law and ethical norms.

A lawyer must refuse to carry out a client's request that contradicts the law or ethical standards.

4. Transparency and Reasonableness of Fees:

Payment terms must be clear and fair, corresponding to the volume of work performed.

The Importance of International Standards for Uzbekistan
International standards, such as the UN Principles and the European Principles,

provide a basis for harmonizing national legislation with international practice. In the context of Uzbekistan, their application:

- Contributes to strengthening trust in the justice system and the legal community.
- Improves the quality of services provided by lawyers, which is important for implementing the New Uzbekistan Action Strategy.
- Creates legal conditions for attracting foreign investors, as it guarantees their rights to protection in case of disputes.

Recommendations for Uzbekistan:

1. First, the implementation of norms based on the UN Basic Principles and European standards into national legal acts regulating legal practice.

2. Second, the organization of training programs for lawyers on international standards.

3. Third, strengthening the guarantees of protection for lawyers from pressure by state bodies and third parties.

Integrating international standards into national regulation of legal practice will allow Uzbekistan to strengthen its legal system, improve service quality, and guarantee citizens' rights. This will contribute to further modernization of the legal system within the framework of the national development strategy.

By studying the legal foundations of ethical requirements for legal practice in the Republic of Uzbekistan, a comparison can be made with the practice of the United States, where the institution of advocacy is considered one of the most developed in the world. Such a comparison allows for identifying the strengths of domestic legislation and determining areas for improvement.

For comparison, in the USA, ethical aspects of legal practice are regulated at the state level, and the American Bar Association (ABA) develops national standards, including the Model Rules of Professional Conduct. These rules serve as a basis for developing regulatory acts in each state.

For example, in Uzbekistan, lawyers' fees are regulated according to the Law of the Republic of Uzbekistan "On Advocacy." The fee is determined by an agreement between the lawyer and the client. However, the contingency fee (payment depending on the outcome of the case), unlike in the USA, where it is permitted for most types of cases, is not explicitly established in Uzbekistan's legislation.

American professional ethics rules regulate lawyers' relationships with clients who have limited legal capacity, emphasizing the need to consider their interests within reasonable limits. This aspect is not singled out in Uzbekistan, which may require additions to the legal acts.

Regulation of ethical norms in legal practice in Uzbekistan is similar to international standards, but there is a need for improvement in certain aspects, such as the use of contingency fees and working with clients with limited legal capacity.

DISCUSSION

The scientific works of Uzbek scholars provide a significant contribution to the study and improvement of professional ethics in the legal profession within the context of Uzbekistan's legal system [10]. Analyzing their research deepens the understanding of key aspects of legal practice, such as responsibility, confidentiality, and the application of international standards:

D.A. Ismailova analyzed the issues of professional responsibility for lawyers. The author focused on the study of professional responsibility, emphasizing its importance for ensuring justice in legal practice, particularly regarding lawyers' accountability for failing to fulfill or improperly performing their professional duties. Ismailova suggested strengthening legal mechanisms for monitoring compliance with professional standards by lawyers and developing more detailed criteria for assessing their professional responsibility [7].

K.K. Matkarimov paid significant attention to issues of confidentiality and independence of lawyers as key aspects of professional ethics. Specifically, the analysis focused on the practice of maintaining confidentiality in legal practice in Uzbekistan and identifying problematic areas such as instances of unauthorized disclosure of client information, and undue influence on lawyers by government bodies or other parties. This is a necessary condition for the objective performance of their duties. The study also explored models of protecting lawyer-client confidentiality and independence in foreign countries with a view to adapting them in Uzbekistan [8].

D. Valisher analyzed international standards such as the UN Basic Principles on the Role of Lawyers and the European Principles of Professional Ethics for Lawyers, and their application in Uzbekistan [5]. The author proposed adapting provisions from international standards, such as independence, confidentiality, and equal access to legal assistance, into Uzbekistan's legislation, emphasizing the importance of training lawyers on international standards for their successful implementation in practice [9].

However, further study is needed on the harmonization of national legislation with international norms and the implementation of educational programs on professional ethics for lawyers.

Recommendations based on the research:

1. Amend the Rules of Professional Ethics for Lawyers (draft) taking into account international experience, including the model rules developed by the ABA.
2. Legally establish the possibility of using contingency fees in certain categories of cases.
3. Develop additional regulations for the interaction of lawyers with clients who have limited legal capacity.

CONCLUSION

Improving the application of professional ethics rules in legal practice in Uzbekistan is an important step in strengthening the judicial system. To achieve this goal, the following actions are necessary:

1. Amendments to legal acts, taking into account international experience.
2. Development of mechanisms for monitoring lawyers' compliance with ethical norms.
3. Enhancement of the educational level of lawyers through training in professional ethics.

The development of this topic in scientific research and practical activities will make a significant contribution to the reform of Uzbekistan's legal system.

REFERENCES:

1. Decree of the President of the Republic of Uzbekistan, dated January 28, 2022, No. UP-60, "Strategy for the Development of New Uzbekistan for 2022–2026." <https://www.lex.uz/ru/docs/5841077>
2. Constitution of the Republic of Uzbekistan, April 30, 2023.
3. Law of the Republic of Uzbekistan "On Advocacy" No. ZRU-349. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 2, Art. 48; 2001, No. 1-2, Art. 23; 2003, No. 5, Art. 67; 2004, No. 1-2, Art. 18; Collection of Legislation of the Republic of Uzbekistan, 2005, No. 37-38, Art. 280; 2008, No. 52, Art. 514; 2009, No. 39, Art. 423; National Database of Legislation, 12.10.2018, No. 03/18/497/2044; 16.01.2019, No. 03/19/516/2484; 24.05.2019, No. 03/19/542/317; 11.09.2019, No. 03/19/566/3734; 03.02.2022, No. 03/22/749/0101; 04.08.2022, No. 03/22/786/0705; 10.08.2023, No. 03/23/862/0578; 07.02.2024, No. 03/24/905/0106; 22.02.2024, No. 03/24/911/0142; 28.02.2024, No. 03/24/915/0160.
4. Model Rules of Professional Conduct, ABA, USA.
5. Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27 – September 7, 1990. https://www.un.org/ru/documents/decl_conv/conventions/role_lawyers.shtml

6. Code of Administrative Responsibility of the Republic of Uzbekistan.
<https://lex.uz/docs/97661>
7. Ismailova D.A. "Ethics – an inherent element of the professional activity of lawyers."
<https://cyberleninka.ru/article/n/etika-svoystvennyy-element-professionalnoy-deyatelnosti-advokatov>
8. Matkarimov K.K. "Procedural features of applying mediation in civil proceedings and the participation of the lawyer as a mediator."
<https://cyberleninka.ru/article/n/fuqarolik-sudlov-faoliyatida-mediatsiyani-qo-llashning-protsessual-xususiyatlari-va-bunda-advokatning-mediator-sifatidagi-ishtiroki>
9. Ruzinazarov, S., Achilova, L., & Rakhmonkulova, N. (2021). Problems of fundamental scientific and methodological support of digital civil turnover. *湖南大学学报 (自然科学版)*, 48(8).
10. Ruzinazarov, S., & Achilova, L. (2017). Actual issues of improving legislation on commitments causes of harm. *Review of law sciences*, 1(1), 21.
11. Khalikov, S., Liu, W., Turaeva, M., & Achilova, L. (2021). Uzbekistan's development under the leadership of various political reforms: The case of air transport industry. *The Open Transportation Journal*, 15(1).
12. Valisher D. "Topical issues of the establishment of the legal status of advocacy structures" // *The American Journal of Social Science and Education Innovations*. - 2020. - Vol. 2. - No. 06. - pp. 12-18.
13. Yusupov, I., Kuchkarova, G., & Achilova, L. (2023). "Modern problems and trends in the development of advocacy in the Republic of Uzbekistan." *Theoretical aspects in the formation of pedagogical sciences*, 2(15), 82-92.
14. ЛМ БУРХАНОВА ОСОБЕННОСТИ ОПРЕДЕЛЕНИЯ ПРАВОВОЙ ПРИРОДЫ И ВОПРОСЫ СОВЕРШЕНСТВОВАНИЯ ДОГОВОРА ЭНЕРГОСНАБЖЕНИЯ КАК ОСНОВЫ ПРОИЗВОДСТВЕННОЙ И ОБСЛУЖИВАЮЩЕЙ ИНФРАСТРУКТУРЫ ЭКОНОМИКИ РЕСПУБЛИКИ УЗБЕКИСТАН
15. Бурханова Л. М. ВОПРОСЫ СОВЕРШЕНСТВОВАНИЯ ПРАВОВОГО РЕГУЛИРОВАНИЯ НЕМАТЕРИАЛЬНЫХ БЛАГ КАК ОСОБОГО ОБЪЕКТА ГРАЖДАНСКОГО ПРАВА В ПРОЕКТЕ НОВОЙ РЕДАКЦИИ // ББК 67.404 я43
Рекомендован к изданию советом юридического факультета Полоцкого государственного университета (выписка из протокола № 8 от 27.10. 2021 г.)
Редакционная коллегия. – С. 19.
16. L Burkhanova GROUND FOR ESTABLISHING THE FACT OF THE UNKNOWN ABSENCE OF AN INDIVIDUAL UNDER THE CIVIL LAW OF

THE REPUBLIC OF UZBEKISTAN - International journal of advanced research in education ..., 2023

17. Бурханова Л. М. Академик Ш. З. Уразаев - выдающийся ученый и государственный деятель Республики Узбекистан: взгляд через призму времени и событий // *Ex jure*. 2024. № 1. С. 7-19.