



SOME ISSUES OF IMPROVING THE PROCEDURE FOR ORGANIZING THE ACTIVITY OF A TRAINEE ADVOCATE

Matmurotov Alibek Ravilovich,

Acting Associate professor of the Department of Judicial, law enforcement agencies and advocacy, Tashkent State University of Law, doctor of philosophy (PhD) in legal sciences

E-mail: alibekmatmurotov@gmail.com

Tel.: +998977056632

Article history:		Abstract:
Received:	December 14 th 2023	In this article, the requirements for becoming an advocate trainee, the possibilities of introducing a register of advocate trainees, and the requirements for the trainee manager are studied and analyzed based on the positive experience of foreign countries. In addition, the author analyzed the issues of introducing the register of internship managers and expanding the rights and obligations of internship managers in order to find highly qualified internship supervisors for persons applying for the status of attorney to become qualified attorneys and create an opportunity for internship under their leadership.
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Effective internship of an advocate trainee is of great importance in obtaining the status of an advocate. An analysis of the current legislation on internships today shows that it is much easier and simpler for a person applying for the status of an advocate to take an internship, and at the same time, it is carried out only in name to fulfill this requirement.

An applicant for the status of an advocate requires theoretical knowledge as well as sufficient practical skills. In our country, the organization of the activities of an advocate trainee in connection with the internship is regulated by the Law "On Advocacy" and the regulation on the procedure for organizing the activities of an advocate trainee, approved by the order of the Minister of Justice of the Republic of Uzbekistan is placed¹.

According to A.V.Ragulin and M.S.Shaikhullin, the professional training of a future advocate should be in the form of an internship².

Y.Soloveva, supporting the opinions of these scientists, states: "an internship aimed at teaching the basics of

the legal profession should be a mandatory stage of preparation for the bar."³

B. Salomov, similar to the opinion of the above scientists, to prevent problems that may arise in this direction in the future and to prepare every person who decided to engage in the practice of law, all those who have just entered the field in order to form the initial skills of the the profession of attorney put forward the point of view that the norm providing for compulsory internship of applicants should be defined in the legal document⁴.

A group of scientists, in particular, N.Mamedova and V.Golubev, the individual must have completed six months of internship in the legal profession, at the same time, have at least two years of work experience in the legal profession or in the advocacy structures⁵. We agree with their opinion that one to two years of internship should be completed.

One cannot completely agree with the opinions expressed above by A.V.Ragulin, M.S.Shaikhullin, Y.Soloveva and B.Salomov. In our opinion, in order to

¹ O'zbekiston Respublikasi qonun hujjatlari to'plami, 2009-y., 13-son, 152-modda; Qonun hujjatlari ma'lumotlari milliy bazasi, 08.01.2018-y., 10/18/1928-1/0520-son, 13.12.2018-y., 10/18/1928-2/2305-son;

² Рагулин А.В., Шайхуллин М.С. Современные проблемы и тенденции профессионального развития адвоката // Евразийская адвокатура, № 5(6) 2013., –С. 43.

³ Соловьева Ю. Анализ опыта регулирования правового статуса адвоката в Федеративной Республике Германия с позиций возможности его использования в Российской

Федерации // Вестник университета имени Кутафина О.Е. (МГЮУ), № 11/2020. –С.226-227.

⁴ Salomov B., Davlyatov V., Pardayev S., Sayfiyeva G. O'zbekistonda advokatura: joriy holati va rivojlanish istiqbollari (tahliliy ma'lumot). - Toshkent: Baktria press, 2020. –В. 52.

⁵ Мамедов Н., Голубев В. Порядок приобретения статуса адвоката: опыт Российской Федерации и зарубежных стран // Юридические науки, Вестник КГУ., № 2, 2017. – С. 197.



give the applicant an additional opportunity to obtain the status of an advocate, the internship requirement should not be defined as a strictly necessary requirement. As an alternative to this requirement, it is appropriate to establish a requirement to have a working experience in a legal specialty for a certain period of time.

The analysis of the legislation of foreign countries showed that the internship requirement in some countries (the Russian Federation, Ukraine, Tajikistan, Moldova, Belarus, Georgia, Lithuania, Poland) allows to have the status of a lawyer, and in Turkmenistan, it allows to practice law, prescribed for obtaining a license. In our opinion, taking into account the international experience, the internship requirement should be defined as a requirement for obtaining the status of an advocate.

A person applying for the status of an advocate must meet several requirements for an internship in national legislation. In particular, there are requirements to be a citizen of Uzbekistan, to have a higher legal education. At the same time, certain individuals are subject to restrictions. For example, if a person is incompetent or has limited legal capacity, as well as if the criminal record has not been completed or the conviction has not been removed, he will not be hired as an advocate trainee.

Article 81 of law of the Republic of Uzbekistan "On Advocacy" shows that a person with a higher legal education can become an advocate trainee. However, in paragraph 3 of the regulation on the procedure for organizing the activity of an advocate trainee, it is specified that he must be a "citizen of the Republic of Uzbekistan". Due to the fact that different terms are used in the legislation for this requirement, they should be harmonized.

In our opinion, the term "person" is correctly used in the Law of the Republic of Uzbekistan "On Advocacy". Citizens of foreign countries and stateless persons who have a residence permit of Uzbekistan in our country should be given the opportunity to become an advocate. An applicant who meets the above-mentioned requirements applies to one of the advocacy structures for an internship. The following documents must be attached to the application: "personal sheet containing information about the person applying for the status of an advocate, a copy of the passport of a citizen of the

Republic of Uzbekistan, a biography, a diploma of higher legal education (a copy will be taken and the original will be returned), employment record, description from the place of study (previous work), except for applicants entering work for the first time"⁶.

The words "Copy of the passport of a citizen of the Republic of Uzbekistan" in paragraph 5 of the regulation on the procedure for organizing the activities of an advocate trainee are "Copy of the passport of a citizen of the Republic of Uzbekistan or a copy of an ID card identifying in the territory of the Republic of Uzbekistan or a foreign citizen and a copy of the certificate of residence in the Republic of Uzbekistan obtained by a stateless person" must be replaced with the words.

Decision No. PD-4502 was adopted with Decree of the President of the Republic of Uzbekistan on October 31, 2019⁷. According to this decision, On the basis of the information in the labor contracts, which will be registered from 1. 01. 2020, an electronic work book containing information about the employee's work activity, which is automatically created in the "YAMMT" IDAK, has been introduced. Also, the procedure for registering labor contracts, creating and maintaining electronic labor records in the interdepartmental software-hardware complex "Uniform National Labor System" approved by the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 971 dated December 5, 2019 defines the concept of an employee's electronic work book and provides a complete description of the information displayed in it.

In this regard, the words "work book, except for first-time job applicants" in paragraph 5 of the regulation on the procedure for organizing the activities of an advocate trainee are replaced by "work book or employee's electronic work book, except for first-time job applicants" is logically correct and appropriate.

After that, an interview is organized between the applicant and the head of the advocacy structure (regional department) in order to determine the general state of the applicant's theoretical knowledge and practical skills and why an internship is necessary for him.

Based on the results of the interview, one of the following decisions will be made, and the information regarding internship admission and the appointment of the internship supervisor will be reflected in the order

⁶ O'zbekiston Respublikasi qonun hujjatlari to'plami, 2009-y., 13-son, 152-modda; Qonun hujjatlari ma'lumotlari milliy bazasi, 08.01.2018-y., 10/18/1928-1/0520-son, 13.12.2018-y., 10/18/1928-2/2305-son

⁷ Qonun hujjatlari ma'lumotlari milliy bazasi, 01.11.2019-y., 07/19/4502/3977-son; Qonunchilik ma'lumotlari milliy bazasi, 24.07.2021-y., 06/21/6268/0700-son



issued by the head of the advocacy structure (regional department):

- 1) decision to accept the applicant for internship;
- 2) decision to refuse to accept the applicant for internship.

The main task of the internship is to prepare the applicant for the status of an advocate, to improve his theoretical knowledge and to develop professional knowledge and skills. Based on this, it is necessary to appoint an advocate who has the necessary professional qualities, who has been continuously engaged in the legal profession for a certain period of time, and who has sufficient professional knowledge and skills, as a supervisor for the advocate trainee. Because the position of the head of internship is very important in obtaining the status of advocate trainee. Therefore, it is important to study and analyze the requirements for the internship leader and the circumstances related to it as part of the research. If we study the experience of foreign countries in this regard, ⁸in Ukraine, there is a separate register of practice supervisors, in order to be included in this list, an advocate must not have had a disciplinary sanction (except a warning) for three years before applying to the regional bar council.

According to Lithuanian law, a lawyer registered with the Lithuanian Bar Association can be a trainee leader for a limited period of time, and he must not have a disciplinary sanction in practice to become a trainee leader.⁹

In this regard, the law of Moldova stipulates that the head of internship must have enough space for the advocate trainee, that he/she has engaged in the legal profession during the period specified in the law and has an impeccable reputation.¹⁰

Now let's talk about the length of time one must have been practicing law to become an internship leader. According to the current legislation, it is necessary to have at least three years of work experience to become an internship leader.

In our opinion, it is necessary to clarify which of the terms of employment the legislator meant by the general term of service or legal term of office and define it at the level of the law.

An analysis of the experience of foreign countries, for example the Russian Federation¹¹, Ukraine¹², Belarus¹³, Moldova¹⁴, Kazakhstan¹⁵, Turkmenistan¹⁶, Armenia¹⁷, Lithuania¹⁸ showed that a person with at least five years of work experience as an advocate is required to become the head of the internship. may be, this term is not specified in Georgia¹⁹, Tajikistan²⁰.

It should be noted that according to the results of the conducted public survey, "How long do you think a lawyer should have been practicing law in order to become a trainee manager?" 134 respondents answered "3 years", 16 answered "4 years", 77 answered "5 years and more", and 15 answered "it's difficult to answer".

The above-mentioned study of the experience of foreign countries and the results of a social survey show that the following basic requirements must be established in order to become the head of an internship:

- 1) must have an impeccable reputation;
- 2) there should be no disciplinary punishment applied to the advocate at the time of his appointment as the head of internship;
- 3) must have worked as an advocate for a certain period of time;
- 4) the advocate must be included in the register of internship supervisors;

⁸ https://zib.com.ua/ua/print/23859-kak_budut_prohodit_stazhirovku_buduschie_advokati.html

⁹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b4a99200249f11e58a4198cd62929b7a?jfwid=nq76mm5vj>

¹⁰ https://www.legis.md/cautare/getResults?doc_id=126609&lang=ru

¹¹ <https://docs.cntd.ru/document/901819236>

¹² https://kodeksy.com.ua/ka/ob_advokature_i_advokatskoj_deyatel_nosti/download.htm

¹³ https://kodeksy-by.com/zakon_rb_ob_advokature.htm

¹⁴ https://www.legis.md/cautare/getResults?doc_id=126609&lang=ru

¹⁵ <https://adilet.zan.kz/rus/docs/Z1800000176>

¹⁶ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86642/98169/F1895252782/TKM86642.pdf>

¹⁷ <https://www.arlis.am/documentview.aspx?docid=78982>

¹⁸ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b4a99200249f11e58a4198cd62929b7a?jfwid=nq76mm5vj>

¹⁹ <https://matsne.gov.ge/en/document/download/15472/15/en/pdf>

²⁰ <http://ncz.tj/content/закон-республики-таджикистан-об-адвокатуре-и-адвокатской-деятельности>



5) there should be enough space to work with an advocate trainee.

In our opinion, the head of the internship should have a separate place to engage in his legal work and work with the intern. Taking into account that most advocates in our country register the address of the law office at their residential address and live with their family at this address, a rule is included in the legislation that the advocate of the law office can be the head of the internship if there is enough space for him to work with the advocate intern .

It should be noted that a person with a main job and regular income does not want to work as an intern in an advocacy structure with a low salary in most cases. According to the current legislation, in order to become an intern, the applicant must leave the main place of work in which he is currently working and join the advocacy in accordance with the labor law..

If we look at the positive experience of Ukrainian legislation in this regard, the internship is carried out for six months during the free time from the main job, in which the total calculation of working hours and the internship plan must be at least 550 hours.²¹

We fully agree with the opinion of S. Abdrakhmanova that "free internship is considered relevant for applicants to the profession of advocate , and paid internship limits the possibilities of obtaining the status of an advocate". We believe that it is necessary²².

In the legislation of foreign countries (Russia, Ukraine, Belarus, Tajikistan, Turkmenistan, Moldova, Kazakhstan, Armenia, France, Germany), the periods of internship are clearly defined in the laws of the legal profession. In our national legislation, the period of internship is defined not in the law, but in the legal document, which is from three months to two years. In our opinion, it is necessary to clearly define this norm in

Article 81 of the Law of the Republic of Uzbekistan "On Advocacy".

Now let's talk about the duration of the internship in these countries, for example, in the Russian Federation²³, Tajikistan²⁴, Turkmenistan²⁵, Kazakhstan²⁶, it is from six months to one year, and in Belarus²⁷, this period is from three to six months, in Armenia²⁸ from one to two years, in Moldova²⁹ the internship is a maximum of twenty-four months, in which the applicant can pass the qualification exam after twelve months, in France³⁰, Lithuania³¹ and Germany³², two years in Spain³³.

The analysis showed that in the legislation of some foreign countries, the internship is defined not as an intermediate term, but as a definite term. For example, six months, one year, two years. This experience can be seen in the legislation of Ukraine, Lithuania, Germany, and Spain.

In our opinion, there are both positive and negative aspects to setting a specific deadline. For example, it can be noted as a positive aspect that the determination of the exact term of the internship in the legislation leads to the sufficient formation of the necessary professional knowledge and practical skills for the person applying for the status of an advocate . However, even if the applicant has sufficient theoretical and professional knowledge and skills, it can be considered as a negative aspect that waiting for the internship period to end, as a result of which this person will be delayed for a certain period of time, will receive the status of an advocate .

In our opinion, taking into account the positive experience of the legislation of foreign countries and based on statistical data, the rule that the internship period lasts from three months to two years in Article

²¹ https://zib.com.ua/ua/print/23859-kak_budut_prohodit_stazhirovku_buduschie_advokati.html

²² Абдрахманова С.Ж. Совершенствование адвокатской деятельности в Республике Казахстан // Вестник Института законодательства РК, № 4 (45) 2016, –С.59.

²³ <https://docs.cntd.ru/document/901819236>

²⁴ <http://ncz.tj/content/закон-республики-таджикистан-об-адвокатуре-и-адвокатской-деятельности>

²⁵ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86642/98169/F1895252782/TKM86642.pdf>

²⁶ <https://adilet.zan.kz/rus/docs/Z1800000176>

²⁷ https://kodeksy-by.com/zakon_rb_ob_advokature.htm

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https://www.legislationline.org/download/id/7436/file/Armenia_law_advocacy_2004_ru.pdf

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https://www.legis.md/cautare/getResults?doc_id=126609&lang=ru

³⁰ Система адвокатуры Испании // Advokat. 2020 г., №3. – С. 44-48.

³¹

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.445415?jfwid=i3h7wi2cr>

³² <https://www.gesetze-im-internet.de/brao/>

³³ Заборовский В.В. Правовая природа квалификационного экзамена на получение статуса украинского адвоката. // Журнал зарубежного законодательства и сравнительного правоведения № 1 – 2017. –С. 91.



81 of the Law of the Republic of Uzbekistan "On Advocacy" is actually should be reflected.

According to the current legislation, the applicant prepares an individual plan for internship for every three months, and this plan is approved by the head of the legal structure (regional department).

During the internship period, a diary is kept, in which assignments and other tasks given by the internship manager are entered in the form of a report. At the same time, during the internship, two abstracts must be prepared by the intern and they must be defended in the legal structure. In our opinion, today, instead of writing an abstract, there is a need to introduce a mechanism for finding answers to real cases and logical questions in forensic practice.

According to French law, there are very strict requirements for entering the legal profession. In order to obtain the status of an advocate, in addition to the preparation of theoretical knowledge and practical skills, as well as having a master's degree in law, it is necessary to study for 18 months in the regional centers for the professional training of advocates and pass graduation exams³⁴. An applicant for the status of an advocate must also pass an entrance exam to a special professional training center.

The study period consists of three stages, including the study of basic subjects, individual work with the candidate and practice with an advocate³⁵.

The procedure for obtaining the status of an advocate in the Republic of Armenia provides for mandatory training at a law school, which includes theoretical and practical training. After graduation, the candidate passes a single exam to obtain a license to practice law³⁶.

In our opinion, preparation of two abstracts and its defense does not allow acquiring the theoretical knowledge and practical skills necessary for practicing law, and the expected result of the internship cannot be achieved. Therefore, paragraph 21 of the regulation on the procedure for renouncing the summary preparation system and organizing the activity of an advocate trainee includes five logical questions and two problematic cases (cases) on actual issues of substantive law and procedure, given by the head of the

internship every week. written answers, as well as a rule that prepares samples of the formalization document according to the situation and defends them before the end of the internship in front of the governing body of the legal profession.

The intern prepares a report on timely and complete completion of the final work specified in the individual plan, which is approved by the head of the internship. After that, the head of the internship prepares a description for the intern, and this description is confirmed with the signature of the head of the legal structure and the seal of the structure.

In our opinion, at the end of the internship, to the legal structure and based on the results of defense of the prepared answers to the legal questions and problematic situations (cases, cases) given by the internship leader for each week to the head of the internship, the status of the implementation of the individual plan by the intern, before the governing body of the advocacy structure should have the authority to make a decision on the recommendation to pass the qualification exam.

At the same time, the authority to make a decision to extend the internship period up to the period specified by law or to cancel the employment contract (contract) concluded with the intern due to the expiration of the last period of the internship and to remove the intern from the legal structure should be given.

It should be noted that in the legislation of foreign countries, a mechanism has been created to encourage or deprive the supervisor of certain rights for the joint work of the internship supervisor and the advocate trainee.

Therefore, the regulation on the procedure for organizing the activity of an advocate trainee provides that if the advocate trainee receives a positive opinion from the advocate who is the head of the internship and successfully passes the qualification exam, the advocate can be financially encouraged by the regional administration of the Chamber of Advocates, the advocate lawyer is the head of the internship who received a positive opinion from an advocate, but failed to successfully pass the qualification exam, on the contrary, it is proposed to supplement it with the norm

³⁴ Абрамов В.Ю. Порядок приобретения статуса адвоката и его правовой статус // Научно-образовательный журнал для студентов и преподавателей «StudNet» №5/2020. –С. 477-478.

³⁵ Морозов Н.В. Основы правового положения адвоката по законодательству Франции // Адвокат-ская практика. – 2006. – № 18. [Электронный ре-сурс]. – Режим доступа:

<http://www.center-bereg.ru/j2469.html> (дата обращения: 14.01.2017)

³⁶ Мамедов Н.А., Голубев В. Порядок приобретения статуса адвоката: опыт Российской Федерации и зарубежных стран. // Юридические науки, Вестник КГУ., № 2, 2017. –С. 197.



that he may be deprived of the right to receive an intern for up to one year.

Another important issue is that there is no information about the register of advocate trainees in the legal documents on internship adopted in the Republic of Uzbekistan and on the official website of the Chamber of Advocates of the Republic of Uzbekistan³⁷.

If we study the legislation of the Russian Federation in this regard, the regulation on the procedure of internship, approved by the decision of the Council of the Federal Chamber of Advocates of the Russian Federation dated May 27, 2020 No. 14, establishes the procedure for the entry of advocate trainees into the register. According to it, the documents to be submitted for inclusion in the register of advocate trainees, the trainee's official number, his surname, first name, patronymic, information related to obtaining the status of a trainee, the surname, first name, patronymic and official number of the lawyer-leader, internship period, information on changing the record about the intern and terminating the status of the intern, as well as the grounds for inclusion and exclusion from the register³⁸. According to the law of Lithuania, a legal assistant is a natural person who is registered with Lithuanian legal assistants and wants to prepare for the legal profession. For information, the term "attorney assistant" is used instead of "advocate trainee" in this state legislation.³⁹ Poland⁴⁰ also has a list of lawyers and legal trainees, and it is determined from the official website whether they are lawyers or legal trainees. A similar arrangement exists in Croatia⁴¹.

According to the information of the Tashkent regional office of the Chamber of Advocates of the Republic of Uzbekistan, 87 trainee lawyers in 2021 and 50 trainee lawyers in January-April 2022 are registered for internships in law firms located in Tashkent⁴². However, these statistics are not disclosed on the official websites of the Chamber of Advocates and its regional offices.

In our opinion, the inclusion of this mechanism in the national legislation will allow the Chamber of Advocates to have accurate analytical information about applicants who are undergoing internships in legal structures and who wish to obtain the status of advocates in the future, as well as internship leaders, and prevent red tape. will be obtained, young professionals who want to become advocates will have a wider opportunity to choose an

internship supervisor, as well as the fact that researchers will sufficiently study the cases related to internships and develop justified proposals in the future. In this regard, it is necessary to supplement the regulation on the procedure for the organization of the activity of an advocate trainee with paragraph 301, which states that the procedure for the formation and maintenance of the register of advocate trainees is determined by the Chamber of Advocates of the Republic of Uzbekistan.

Another issue that needs to be analyzed is the exemption of certain categories of persons from internship after fulfilling certain conditions.

According to the current legislation, it is established that persons who have worked in the following positions for three years have the right to participate in the qualification exam without undergoing an internship in the legal structure:

- 1) as an employee of the legal service of state bodies and organizations;
- 2) judge, investigator, investigator or prosecutor.

In our opinion, before releasing the persons who worked in these positions from internship, the grounds and reasons for their dismissal should be carefully, comprehensively and objectively studied. For example, in 2021, by the decision of the Supreme Council of Judges, the mandate of 38 judges was prematurely terminated, of which 19 violated the judicial oath and the requirements of the Code of Ethics of Judges.⁴³ In this case, the judges were dismissed with a negative conclusion, and it is logical not to release them from internship.

Also, to introduce the condition that persons who are exempted from internship must submit documents to the qualification commission for obtaining the status of an advocate within a certain limited period after leaving the job, for example, one year after leaving the job. we think it is necessary. Because if a person does not work in the legal field for a certain period of time, he may lose his professionalism along with his practical skills.

During the internship at the Tashkent regional office of the Chamber of Advocates of the Republic of Uzbekistan, it was found that because the State Security Service investigators were not given the labor record, they were released from the internship based on the certificate approved by the competent authority.

³⁷ <https://paruz.uz/posts/stazheru-i-pomoschniku>

³⁸ <http://ap-37.ru/dokumenti/polozhenie-o-prohozhenii-stazhirovki/>

³⁹ <https://e-seimas.lrs.lt/rs/legalact/TAD/TAIS.450539/>

⁴⁰ <https://rejestradowokatow.pl/prawnikzagraniczny>

⁴¹ Сарычев Д.В. Адвокатура в Республике Хорватия // Евразийская, адвокатура, № 5 (42) 2019., –С. 33.

⁴² O'zbekiston Respublikasi Advokatlar palatasining 2022-yil 17-martdagi 07-08-425/320-son xati.

⁴³ <https://xs.uz/uzkr/72368>



Also, it was found that the employment records of the investigators and investigators of internal affairs and customs bodies do not record that these persons worked as investigators and investigators. In practice, these persons also submit a certificate approved by the competent authority to the qualification commission for exemption from internship. This is contrary to the requirements of the legal documents on the current legal profession.

In a public survey conducted among advocates, 187 (12.1) respondents have at least three years of legal experience in the positions of state bodies, economic management bodies, state enterprises, institutions and organizations, as judges, investigators, investigators or prosecutors. expressed the opinion that persons with work experience in their specialty should also undergo an internship⁴⁴.

In this regard, they have a doctorate degree in Moldovan law, as well as not less than ten years of work experience as a judge or prosecutor, if after six months of resignation they can practice law. It is established that the person who applied for a license is exempted from the professional internship⁴⁵.

According to Ukrainian legislation, on the day of applying for permission to take the qualifying examination, a person is exempted from internship if he has worked as an advocate's assistant for a period of not less than one year during the last two years.⁴⁶

The legislation of Kazakhstan specifies a list of certain persons who are not eligible for internship⁴⁷. According to the legislation of Kazakhstan, only judges are exempted from internship. It is also provided that judges who have reached the retirement age or who have reached the maximum age for holding the position of a judge, who, according to a medical opinion, are in a state of health that prevents them from performing their professional duties in the future, will be exempted from internship.

In our opinion, it may be a positive thing that these judges are exempted from internship, but their age,

health, and from the point of view of ensuring the provision of qualified legal assistance, the issue of not being exempted from internship should be thoroughly studied, learning is necessary.

In this regard, according to French law, it is mandatory to undergo special educational training in regional professional education centers, only after that it is possible to pass the exam. It is worth noting that not all applicants for the status of an advocate in France can pass the entrance exam of regional professional education centers. Persons with a Doctor of Law degree are admitted to the theoretical and practical training of regional professional education centers without entrance exams.⁴⁸

In Azerbaijan, a former advocate (with the exception of persons whose legal practice was terminated on the basis of disciplinary action) and a former judge can become a advocate after passing an oral interview without passing a written test or compulsory education.⁴⁹.

According to Belarusian legislation, a person who has previously practiced as an advocate for three years is not required to undergo an internship, if no more than five years have passed since the termination of the practice of law, he was expelled from the bar association due to discreditable circumstances (dismissed) excluding individuals⁵⁰.

In this regard, B.Salomov's proposal to permit persons who previously worked as an advocate for at least 3 years, left the bar at their own discretion, and expressed their desire to obtain the status of an advocate again within 6 years, to pass the qualification exam without passing the internship I partially agree with the opinion that it is appropriate to include the relevant norms in the legal document regulating the field. In our opinion, we believe that the period of return to the legal profession should be set not for 6 years, but for a shorter period (for example, 1, 2, 3 years)⁵¹.

Also, in a public survey of advocates, 208 (13.4) respondents were previously advocates, but left the

⁴⁴ Davlyatov V. Advokatura va advokatlik faoliyati bo'yicha o'tkazilgan sotsiologik tadqiqot natijalari tahlili. – T.: «Akademnashr» nashriyoti, 2021. –B.76-77.

⁴⁵ https://www.legis.md/cautare/getResults?doc_id=126609&lang=ru

⁴⁶ https://kodeksy.com.ua/ka/ob_advokature_i_advokatskoj_deyatel_nosti/download.htm

⁴⁷ https://adilet.zan.kz/rus/docs/Z000000132_

⁴⁸ Соловьева Ю. Некоторые особенности регулирования правового статуса адвоката в России и Франции // Журнал EURASIAN, ADVOCACY, 6(19), 2015. –С. 32.

⁴⁹ Беззащитные защитники: Системные проблемы адвокатуры Азербайджана – Доклад миссии МКЮ 2016 г. –С. 22-24.

⁵⁰ https://kodeksy-by.com/zakon_rb_ob_advokature.htm

⁵¹ Salomov B., Davlyatov V., Pardayev S., Sayfiyeva G. O'zbekistonda advokatura: joriy holati va rivojlanish istiqbollari (tahliliy ma'lumot). - Toshkent: Baktaria press, 2020. –B. 52-53.



legal system of their own volition (in which they must not have been subject to disciplinary or criminal charges) expressed the view that individuals should be allowed to take the bar exam without completing an internship⁵².

In our opinion, based on the results of the public survey conducted on our national legislation, the opinions of scientists, and the legislation of Belarus and Azerbaijan, a person who has practiced as an advocate for three years, higher education institutions in the field of jurisprudence, institutions for improving and retraining legal personnel it is appropriate to include pedagogues who have at least three years of work experience in the field of legal specialization in the list of those who are exempted from internship.

According to the qualification commission established under the Tashkent Regional Office of the Chamber of Advocates, a total of 351 applicants applied for the qualification exam in 2021, and 38 of them were exempted from internship. According to the analysis, most of those released from internship are investigators of internal affairs bodies.

The legislation of Kazakhstan⁵³ also has its own characteristics related to internship, including the fact that the conclusion of successful internship is considered valid for three years from the date of approval by the presidium of the bar council. In addition, it is established that a person who has not successfully completed an internship will be allowed to complete an internship again on general grounds.

Based on the above, the regulation on the procedure for organizing the activity of an advocate trainee states that advocate trainees who have successfully completed their internship can take the qualification exam to obtain the status of an advocate within two years from the end of the internship period. In the grounds it is proposed to supplement with paragraph 28, which reflects the legal norm on the need to undergo internship.

The norms proposed to the legislation above, firstly, are aimed at regulating relations related to the internship, and secondly, they provide for a clear definition of the rights and obligations of the person applying for the status of an advocate and the head of the internship.

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