

# TSUL LEGAL REPORT

THE LAW JOURNAL

E- ISSN: 2181-1024



ISSUE № 1  
SEPTEMBER 2020

---

## Head of the Editorial Board

**Hakimov Rahim Rasuljonovich** - Rector of the Tashkent State University of Law, Doctor of Law, Professor

---

## Members of the Editorial Board

**Salaev Nodirbek Saparbayevich** - Deputy rector on scientific work and innovation of Tashkent State University of Law, Doctor of Law, professor

**Rustambekov Islambek Rustambekovich** – Deputy rector on academic affairs of Tashkent State University of Law, Doctor of Law, professor

**Nematov Jasur Aminjonovich** – Professor of the Tashkent branch of the Russian University of Economics named after GV Plekhanov

**Latipov Samir Ildusovich** – Director of the Center for Legal Initiatives and Innovations of the Tashkent State University of Law

**Ramazanova Nargiza Abdurashidovna** – Head of the Department of Commercialization of Scientific and Innovative works of the Center for Legal Initiatives and Innovations of the Tashkent State University of Law, Doctor of Philosophy in Law

**Kurbanov Maruf Mamadaminovich** – Head of Criminalists and Forensics Examination Department of Tashkent State University of Law, Doctor of Philosophy in Law

**Narziev Otabek Sadiyevich** – Head of International Private Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

**Khodzhaev Shakhzhakhon Akmalzhon ugli** – Head of Intellectual Property Department of Tashkent State University of Law, Doctor of Philosophy in Law

**Uzakova Gozal Sharipovna** – Head of Environmental Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

**Musaev Bekzod Tursunboyevich** – Head of the Constitutional Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

---

**Gafurova Nozimakhon Eldarovna** – Head of the Department of International Law and Human Rights of the Tashkent State University of Law, Doctor of Law;

**Nematov Jurabek Nematulloyevich** – Associate Professor of Administrative and Financial Law Department of Tashkent State University of Law, Doctor of Law

**Pirmatov Otabek Shavkatovich** – Senior lecturer of Civil Procedure and Economic Procedural Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

**Yakubova Iroda Baxramovna** – Associate Professor of Intellectual Property Department, of Tashkent State University of Law, Doctor of Philosophy in Law

**Abzalova Khurshida Mirziyatovna** – Associate Professor of Department of Criminal Law, Criminology and Anti-corruption, Doctor of Law

**Akhmedova Guzalkhon Utkurovna** – Associate Professor of Criminalists and Forensics Examination Department of Tashkent State University of Law, Doctor of Law

**Ibragimova Mukhlisa Paridunovna** – Head of the Department of Strategic Development and Entry into International Rankings

---



**ISSN: 2181-1024. Certificate: No. 1342**

#### **Contacts**

Editorial office address: Tashkent, st. Sayilgoh, 35. Index 100047.

Principal Contact

Tel.: (+998 71) 233-66-36

Fax: (+99871) 233-37-48

E-mail: [info@legalreport.tsul.uz](mailto:info@legalreport.tsul.uz)

© 2020. TSUL - Tashkent State University of Law. All rights reserved.

---

---

**CONTENTS**
**INTRODUCTION**

|   |          |
|---|----------|
| <b>Khakimov Rahim.</b> Legal education: current situation, challenges and prospects innovative development..... | <b>4</b> |
|---|----------|

**12.00.01 - THEORY AND HISTORY OF STATE AND LAW. HISTORY OF LAW DOCTRINES**

|   |           |
|---|-----------|
| <b>Nazarov Otabek.</b> Place and role of leadership in legal practice and system of law sciences..... | <b>14</b> |
|---|-----------|

**12.00.02-CONSTITUTIONAL LAW. ADMINISTRATIVE LAW. FINANCE AND CUSTOMS LAW**

|   |           |
|---|-----------|
| <b>Kosimov Botirjon.</b> Threats to judicial independence: reflections on the US experience.....  | <b>20</b> |
| <b>Khayrulina Asal.</b> Legal aspects of the protection of women's rights within UN system.....   | <b>30</b> |
| <b>Umarova Iroda.</b> Transparency is an important principle of the electronic government operations in the republic of Uzbekistan..... | <b>38</b> |
| <b>Bobokulov Azizbek.</b> Gender equality in Uzbekistan: problems and solutions...  | <b>43</b> |
| <b>Olimova Zarina.</b> Evolving role of local government in supporting tourism development in Uzbekistan.....                           | <b>49</b> |
| <b>Ubaydullaev Saydullo.</b> The development of gender equality in Uzbekistan and the gender equality reforms of last years.....        | <b>57</b> |

**12.00. 03-CIVIL LAW. EMPLOYING LAW. FAMILY RIGHT. INTERNATIONAL PRIVATE LAW**

|   |           |
|---|-----------|
| <b>Abduvaliev Maksudjon.</b> Invalidity of agreements in civil law - an analysis of the experience of Uzbekistan and Japan..... | <b>65</b> |
| <b>Eshchanova Dauletbike.</b> Actual problems of legislation of the development of internet insurance in Uzbekistan.....        | <b>69</b> |

**12.00.05-LABOUR LAW. LAW OF SOCIAL MAINTENANCE**

|  |           |
|--|-----------|
| <b>Khojabekov Muftulla.</b> Employment rights and privileges of persons with disabilities..... | <b>73</b> |
|--|-----------|

**12.00.08-CRIMINAL LAW, OFFENCE PREVENTION. CRIMINOLOGY. CRIMINAL-EXECUTIVE LAW**

|   |            |
|---|------------|
| <b>Kurbanov Marufjon.</b> Criminal-legal aspects of regulation of business activity: the example of Uzbekistan..... | <b>80</b>  |
| <b>Uralov Sarbon.</b> Some issues of qualification of the rape crime.....   | <b>92</b>  |
| <b>Rakhimova Ulzana.</b> Cybercrime subject and limits of proof.....  | <b>100</b> |
| <b>Topildieva Dilrabo.</b> Circumstances to be determined when investigating intentional killing.....               | <b>111</b> |
| <b>Boymuratov Khasan.</b> Legal regulation of the use of electronic documents in criminal proceedings.....          | <b>116</b> |

**12.00.10-INTERNATIONAL LAW**

|   |            |
|---|------------|
| <b>Miruktamova Feruza.</b> Restorative model of juvenile justice as an alternative to criminal penalties: international standards and national legislation..... | <b>122</b> |
| <b>Khamdamova Firuza.</b> The impact of digital technologies on human rights.....   | <b>134</b> |
| <b>Rasulov Jurabek.</b> The concept of "forced labor": analysis of national legislation and international legal standards.....                                  | <b>146</b> |

**12.00.12 – CORRUPTION ISSUES**

|  |            |
|--|------------|
| <b>Arslonov Doniyor.</b> Corruption – the core of main problems..... | <b>153</b> |
|--|------------|

---



# TSUL LEGAL REPORT

Journal homepage: [www.legalreport.tsul.uz](http://www.legalreport.tsul.uz)



**2020 — "Year of science, education and digital economy"**

## **LEGAL EDUCATION: current situation, challenges and prospects innovative development**



*Our current interviewee is Rector of the Tashkent State University of Law, Doctor of law **Rahim Rasuljonovich Khakimov.***

– Rahim Rasuljonovich, the Address of our honored President sent to the Parliament includes such significant ideas that if we have set a goal to transform Uzbekistan into a developed country, we would be able to achieve this only by implementing accelerated reforms, relying on science, enlightenment and innovations. To achieve these, we, first of all, need to train personnel of a new formation, who are initiators of amendments, who have a strategic vision, deep knowledge and high qualification. That is why all stages of education - from preschool to higher education - are being reformed.

Could you tell me, how do you assess the state of current

**legal education in Uzbekistan? What can you say about its position in the development of the country?**

- The legal education as a part of the education system in our country does not significantly differ from the situation in other directions. I mean, the point is, it lags behind today's requirements. From kindergarten to university level, legal education needs to be modernized. This is, above all, directly linked to the fundamentally updated teaching methods and curricula, the creation of modern textbooks, the introduction of information technologies in education, close links with practice, and active international integration. Moreover, higher legal education today is not sufficient to meet the



expectations of our youth, the needs of society and the State.

Regarding the second part of your question. The experience of such leading countries as Japan, South Korea and Germany shows that they have made progress not only through science and innovation, but also through the implementation of rights and law in society. For this, in turn, there must be qualified legal personnel, and citizens must have a sufficient level of legal knowledge and culture. In this sense, legal education is an issue equally relevant to the development of all aspects of society and the state.

**– The state program "Year of development of science, education and digital economy" sets a task to develop a project of presidential decree aimed at improving legal science and education. What changes are expected in this direction?**

- At the present day, Tashkent State University of Law, the Ministry of Justice together with interested ministries and departments have prepared a project of the relevant document. This document envisages a number of measures aimed at fundamental reformation of the system of general, specialized secondary and higher legal education.

First and foremost, these changes are related to the renewal of the educational process and curricula based on the standards of advanced foreign law schools. We are taking steps to transfer the study process at a law school to the European Credit Transfer and Accumulation System, which is applied in the European Union and other countries. This will make it possible to bring the teaching process, the disciplines taught and their content in line with world standards, as well as to introduce free international academic exchange of students and teaching staff.

Another important change is related to the training of modern pedagogical personnel. Modern education is impossible with backward thinking teachers who do not know about progressive knowledge. Today the percentage of professors and lecturers who graduated from the leading foreign universities does not even reach **4% at the University of Law**. On average, only **10-15** teachers are upgrading their skills in foreign countries. These numbers are obviously not enough.

Therefore, we are planning to establish an annual goal-oriented training of **20-30** talented bachelor graduates at the master's stage,

doctoral studies of the world's leading universities, as well as internships and advanced training of **40-50** professors and teachers on a systematic basis by the expense of the university. As a result, we intend to increase the number of qualified teachers educated in advanced foreign countries to **70-80%** within 3-4 years. I am convinced that this situation will significantly change the quality of legal education in a positive way.

In addition, provision is made for the complete elimination of paper workflow in the educational process, the implementation of the "Electronic University" program (E-University), which automates the management of the learning process, implementing the "University 3.0" conception aimed at commercializing the results of education, science and innovation.

**- Could you give more information about the project of "Electronic University"? The relevant Presidential Decree provides for the introduction of distance learning in three universities, in particular the Tashkent State University of Law, starting from the 2020/2021 academic year. How will this task be implemented?**

– This project is a vivid reflection of innovation in the educational process. The project involves

digitalization of all educational processes. In other words, processes such as student attendance, scheduling, maintaining records and other documents, conducting examinations and announcing their results, assessing teachers' performance and creating their ranks, providing references to students and providing other services will be fully transformed into electronic format. Each student will have a private cabinet on the platform of "Electronic University". In this way, the student will be able to get all the information about their studies, including information related to the schedule of classes, educational materials, attendance, debt on subjects and contracts, as well as communicate with their teachers. Professors and teachers will also have similar cabinets. This system reduces the human factor in education, ensures openness and transparency and saves time and money. Nowadays, our university with the financial support of the World Bank is actively working on the implementation of this platform from the 2020/2021 academic year.

Distance learning is a requirement of time. In the age of information technology the demand for it is increasing. It is estimated that by 2025 the number of people receiving distance education in the world will be twice as high as those studying directly at universities.

The advantage of distance learning is that the student can acquire knowledge at a time convenient for him or her, without being isolated from his or her family, place of residence, occupation or work. Moreover, there will be no need for classrooms, dormitories, which require considerable resources for training, and therefore education costs will be significantly reduced.

In addition, this form of education will make it possible to increase higher education enrolment among young people. Distance learning will be introduced at our University, first of all, at retraining courses for those who have higher legal education, and in the future - at master's and bachelor's degree courses.

**– You can focus on the prospects for the development of legal science.**

– High-quality legal education is practically impossible to guarantee without science. In this sense, the objective is to speed up scientific works in the field of jurisprudence, to bring them to the international level, to encourage the faculty to publish scientific articles in internationally indexed journals.

This will allow us to more widely represent the national legal science in the international arena, to place our

university in the world's leading rankings (QS World University Rankings, Times Higher Education), to study more deeply the foreign experience and, eventually, to achieve high quality education, efficiency of legislation and law enforcement practice.

Thus, if in September last year the index of scientific potential of Tashkent State Law University was **32%**, now as a result of activation of defense of scientific works this index has reached **36%**. Within the next 5 years, by supporting scientific-research activities, the scientific potential will be increased to at least **70%**. For this, **46** professor-teachers, more than **100** doctoral candidates and independent researchers are actively researching at the university.

As a result of the introduction of the mechanism that stimulates the publication of works in international scientific publications, over the past 3-4 months, the teaching staff of our university has published **31** articles in publications included in the Scopus, ScienceDirect and Web of Science databases, by the end of the year we are planning to increase this number to **200** publications.

Moreover, taking into account the increasingly active introduction of information technologies and systems into jurisprudence, it is planned to organize a legal technological



laboratory (Legal Tech), a center of legislative initiatives for the introduction of the results of scientific research into practice, the creation of a system of forecasting in the field of legal research "Foresight prediction", through the center of innovation it is planned to establish close cooperation between the university departments and users of legal services, as well as commercialization of the results of researches.

**– Rahim Rasuljonovich, you said about the necessity of elevating legal science and education to the international level. It is obvious that there are not enough international lawyers in our country today. What measures are being planned to tackle this problem?**

Indeed, today the country has very few qualified lawyers working at the international level, especially in international trade and arbitration. Under current conditions of active investment policy in our country, the demand for such personnel is particularly high.

As our economy continues to grow, such demand will only increase. Therefore, we have taken practical steps to train lawyers in this direction. The point is that from the beginning of the new academic year the Faculty of International Law and Comparative Law will be established

at the University. This faculty, on the basis of an extensive comparative study of international law, national and foreign legislation, will train highly qualified personnel with the ability to conduct activities at the international level. In the process of study, the students will participate in internships at international law firms.

At the same time, the faculty will establish scientific research centers to study the law of developed countries. Currently, the University effectively runs the Center for Study of Japanese Law. This year, an agreement has been reached with the University of Regensburg in Germany to establish a Center for the Study of German Law.

In the following years, we will organize similar centers for studying English, French and Chinese law. These centers, in cooperation with foreign partners, will train qualified lawyers who will perfectly study the legislation of foreign countries in the languages of these countries.

In addition, this year we will launch the Master Degree in International Arbitration Law and Dispute Resolution and in Advocacy. In training specialists in international arbitration, we will cooperate with a reputable international organization, namely the Hague Conference on Private International Law. We have signed an agreement on cooperation

in this sphere with this international organization. Our university has been recognized as the 17th university in the world that signed a cooperation agreement with this prestigious international organization. All of these are extremely important in the training of world-class lawyers.

At the same time, we are in negotiation with the leading universities of Great Britain, France, South Korea, Russia and Belarus on the introduction of joint programs (double degree) for the training of bachelors and masters that meet modern requirements.

On the basis of more than 30 cooperation agreements signed with leading universities, scientific centers and research institutes of Europe, Asia, America, international scientific and educational funds, the work on academic exchange of students and teachers, joint research and internships is actively being carried out. Moreover, it is very important for our university to join international and European associations of universities, as well as law schools.

**- - Starting from this year, ten higher educational institutions of our country have been transferred to self-financing system. One of them is TSUL. What opportunities would the**

**introduction of this system provide?**

The introduction of the self-financing system has opened the door for our university to a wide range of opportunities for academic and financial independence. A number of issues that were previously addressed within the frame of government and ministries are now being addressed by universities independently. Thus, through the introduction of this system, the right was granted to determine the size of allowances and other types of material incentives for employees, materially stimulate talented personnel, as well as students belonging to strata in need of social protection, to spend money on their own, and use the outsourcing opportunities in education. It also granted rights to determine the parameters of admission of students on a tuition basis in coordination with relevant ministries and departments, to open new directions and specialties of Bachelor and Master Degrees based on self-financing needs, to determine the cost of education on a tuition basis. These opportunities will undoubtedly serve the effective functioning of higher education institutions in a market economy, improve the quality of education and create a competitive environment in this sphere.

However, it should be noted that the introduction of a self-financing system is being carried out as an

experiment. Therefore, we confront such important tasks as a clear definition of the legal status of higher educational institutions that have switched to a system of self-financing, their differences from budgetary organizations, and the creation of a powerful legislative base in this sphere.

**– You are talking about a competitive environment in education. Has such an environment been created in higher legal education today? To what extent are the needs of young people for higher legal education being met?**

- As in any sphere, in the sphere of legal education as well, the higher the competition, the more progress will be achieved. When it comes to higher legal education, there is a certain degree of competition. Today, besides TSUL, legal personnel with higher education are being trained by the University of World Economy and Diplomacy, Westminster International University in Tashkent, the Academy of the Ministry of Internal Affairs, the Customs Institute, the Military Technical Institute of National Guard and Karakalpak State University.

However, this situation cannot be considered adequate for two reasons. Firstly, many of these institutions of higher legal education

are located in the capital, which in turn limits the opportunities for youth in the regions. Secondly, in our country with a population of 34 million people, only about a thousand lawyers with higher education are trained every year. This figure in any way does not meet the real needs in the labor market.

For example, Uzbekistan has one of the lowest numbers of lawyers per 100,000 people in the world. For comparison: in Uzbekistan, there are 12 lawyers per 100 thousand people, in Israel – 737, in the European Union – an average of 162, in Russia – 50, in Kazakhstan – 22 lawyers. When it comes to the number of judges, in Uzbekistan there is one judge per 23 thousand people, in France - 11 thousand, in the United States – 9 thousand people, and in Germany – 4 thousand people.

In this regard, the State Program for this year is aimed to open law faculties in the higher educational institutions of the regions that have the relevant potential. It will also serve the development of a competitive environment in the industry, the emergence of new law schools, and an increase in the number and quality of legal personnel.

Moreover, this year, in order to increase the level of coverage of the youth in higher legal education at Tashkent State University of Law, it is planned to significantly increase

admission parameters compared to last year through the introduction of distance learning and joint educational programs.

**– Today, practical work is being carried out in our country to turn higher education into a system of corruption-free education. What steps are being taken in this direction by the university you are supervising?**

– Modernization of higher education and training of highly qualified personnel are impossible without elimination of corruption in this sphere. Today at the University all measures are taken to uncompromisingly combat corruption, to form a team consisting of honest, conscientious professors-teachers and employees, to eliminate various bureaucratic factors between them and students, to ensure impartiality, fairness and transparency in evaluating students' knowledge.

In particular, the University's Anti-Corruption Program has been prepared. The activities of the Anti-Corruption Commission, which are constantly aimed at the prevention of corruption, its identification, study of its causes and conditions, as well as the development of concrete proposals in this sphere, are being improved. It involves students,

parents, and representatives of the general public.

The University has also prepared Ethical Rules for Teachers and Employees, Regulations on Conflict of Interest, Procedure for Notification of Cases of Requests to Commit Corruption Offenses. Since the effect of fight against corruption will be achieved only if professors, teachers, employees and students have knowledge of what kind of behavior generates corruption and what measures should be taken in case of inclination to commit offences.

In order to create a corruption-free environment, a system of continuous communication between the University administration and students has been created, and students evaluate the activities of professors and teachers during certain periods, for example, at the end of each semester. The Electronic University (E-University) project also focuses on reducing the human factor in the learning process. This will in many ways contribute to the elimination of corruption-causing factors.

Furthermore, from the 2020/2021 academic year, we are planning to accept for the Master Degree through tests, which will be carried out by the State Testing Center. This would also serve to

prevent corruption risks in this direction.

**– Rahim Rasuljonovich, the improvement of legal education is impossible to imagine in separation from secondary specialized, vocational education. What are the plans in this direction?**

– Today, 14 law colleges of the Ministry of Justice are functioning in the Republic of Karakalpakstan, Tashkent city and the provinces. They train lawyers with secondary special education in the field of public services, notary, advocacy, personnel issues, agricultural sector and executive production.

Currently, measures are being taken to align the curricula of law technicum with the university's programs, create new textbooks for them, improve the skills of teachers of technicum at the University, and create an integrated and interconnected system "technicum-university".

In order to provide law technicums with qualified pedagogical personnel possessing a high level of knowledge and professional training, meeting modern requirements, it is planned to provide specialized training of pedagogical personnel for law technicums in the Master's department of the University. At the

same time, it is offered to accept employees who have worked in law schools for 3 years on a preferential basis to the University's master's program, with the condition that they work at law technicum after graduation for at least 3-5 years.

In order to organize professional legal education in accordance with modern requirements, to train qualified, creative and independently thinking staff, from the 2020/2021 academic year in law technicums it is planned to organize the educational process on the basis of credit-module system, and create faculties on the basis of joint programs with leading foreign educational institutions - partners.

Taking into account that graduates of the academic lyceum under the university may continue their studies at the university in the future, the educational process of the lyceum is also being reviewed. For this purpose, the university is entrusted with the task of coordinating the educational process at the lyceum and developing curricula and programs. In an effort to introduce international standards into the educational process, it is also planned to use joint educational programs in academic lyceum.

Besides, in order to introduce digital technologies in secondary



vocational education, measures are being taken to implement the "Electronic Law Technicum" and "Electronic Academic Lyceum" projects, similar to the "Electronic University" program implemented at the university.

As a result of the work in progress, the educational process of law technicums, academic lyceum and university will be closely connected, and the functioning of an integral system for training qualified legal personnel on the basis of international requirements will be ensured.

**– What are the qualities that you think a lawyer should possess?**

– Lawyer is a highly respected and very responsible profession. By contrast to other professions, the activity of these specialists is always connected with people, runs in the process of mutual interrelations with a wide category of population. Therefore, a lawyer must first and foremost be fair, humane, honest and truthful. A lawyer must have a high level of knowledge, a sense of responsibility and a wide outlook.

Taking into consideration the role and importance of jurisprudence in ensuring justice, law and rule of law in the life of society, our great

ancestors, in particular Burhoniddin Marginoni, Alisher Navoi, paid special attention to this profession. In particular, Alisher Navoi in his work "Nazmul javohir" gives the following verse:

*Qolg'on kishi kasbi ilmidin  
zahmat aro,*

*Fiqh o'rgansun, sa'y ila mehnat  
aro.*

*Ilm ichra sharaf fiqhda bil  
nisbat aro,*

*Kim sarvar erur faqih bu ummat  
aro.*

Through this verse, our great ancestor recommends the study of law not only to lawyers, but also to all, and notes that through this people achieve perfection.

At the same time, a modern lawyer must have an excellent knowledge of foreign languages, be able to use information technologies, as well as have a good understanding of human psychology.

As mentioned in the Address of the President to the Oliy Majlis, modern knowledge, enlightenment and high culture, along with other professions, are equally necessary for lawyers.

**– Rahim Rasuljonovich, thank you for your interesting and informative conversation.**