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**Publication Officer:**

Orifjon Choriev

**Editor:**

Elyor Mustafaev

**Graphic designer:**

Umid Sapaev

**Editorial office address:**

Tashkent, st. Sayilgoh, 35. Index 100047.  
Principal Contact

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

**Fax:** (+99871) 233-37-48

**Website:** legalreport.tsul.uz

**E-mail:** info@legalreport.tsul.uz

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## THE IMPORTANCE OF CITIZENSHIP AND EDUCATIONAL QUALIFICATIONS REQUIREMENTS FOR APPLICANTS TO OBTAIN ADVOCATE STATUS

**Matmurotov Alibek Ravilovich,**

Acting Associate Professor of the Department of Judiciary,  
Advocacy and Law Enforcement Agencies,  
Tashkent State University of Law,  
Doctor of Philosophy (PhD) in Law  
ORCID: <https://orcid.org/0009-0008-1893-705X>  
e-mail: [alibekmatmurotov@gmail.com](mailto:alibekmatmurotov@gmail.com)

**Abstract.** *In this article, the requirements of citizenship and educational qualifications for obtaining advocate status are examined and thoroughly analyzed on the basis of national legislation, the views of scholars, and the positive aspects of the legislation of foreign countries (USA, UK, Russian Federation, France, Japan, Georgia, Lithuania, Finland, Italy, Vietnam, China, Turkey, Germany, Sweden, South Korea, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Azerbaijan, Armenia, and Ukraine). The authors scientifically substantiate the need to optimize the requirement of holding citizenship of the Republic of Uzbekistan for obtaining advocate status, as well as to further clarify the educational qualification as a “basic higher legal education.” In addition, they argue that, by way of exception, the requirement of possessing “basic higher legal education” should be waived for individuals holding an academic degree. Furthermore, the authors have developed proposals and recommendations aimed not only at improving legislation, but also at further enriching the theory of advocacy. These findings contribute significantly to the ongoing legal discourse regarding professional standards and the modernization of the national legal system.*

**Keywords:** *advocate status, citizenship requirement, legal profession, educational qualifications, basic higher legal education, advocacy reform, comparative legal analysis*

### Introduction

Article 3 of the Law “On Advocacy” sets out the principal requirements for becoming an advocate, one of which is to hold citizenship of the Republic of Uzbekistan.

The citizenship requirement is prescribed not only in Uzbekistan but also in the legislation of certain foreign states.

However, in countries such as France, Germany, Italy, the Russian Federation, Sweden, Ukraine, the United Kingdom, and the United States, citizenship is not stipulated as a mandatory condition for admission to the bar (Solovyeva, 2015). Interestingly, although citizenship is not specified as a primary requirement, some of the world's most highly qualified and formidable advocates have emerged from these jurisdictions. Notable examples include Fëdor Plevako, Gloria Allred, Alan Dershowitz, Joseph Jamail, and Mark Geragos, all of whom rank among the globe's most renowned and influential advocates (ProfGuide, n.d.).

A review of the legislation on the legal profession in developed countries shows that these jurisdictions provide opportunities for both their own nationals and for foreign citizens and stateless persons to acquire advocate status.

Therefore, it is of great importance to study and analyze the citizenship requirement in our national legislation in light of the positive international experience.

The Law of the Republic of Uzbekistan "On Citizenship of the Republic of Uzbekistan" provides precise definitions of "citizen," "foreign citizen," and "stateless person." Under this Law, a "holder of a residence permit in the Republic of Uzbekistan" refers to a stateless person or a foreign citizen whose identity is confirmed by a document evidencing permission for permanent residence in Uzbekistan.

It should be noted that the number of foreign students coming to study in Uzbekistan has grown significantly in recent years, and comprehensive measures are being implemented in our country to accommodate and support this trend.

### **Methods**

To achieve the research objectives, a multifaceted methodological approach was employed. The study utilizes logical analysis to deconstruct current legislative requirements, while comparative legal analysis facilitates a systematic evaluation of foreign practices. Furthermore, the research integrates an in-depth examination of academic sources, a critical analysis of statistical data, and a rigorous interpretation of relevant legal acts. Collectively, these methods—supplemented by a comprehensive study of law enforcement practice—enable a balanced assessment of the current regulatory framework and support the formulation of evidence-based policy recommendations.

### **Results**

According to Article 5 of the Law of the Republic of Uzbekistan "On Education" No. LRU-637 of September 23, 2020, foreign citizens are entitled to study in Uzbekistan in accordance with the Republic's international treaties and legislation, and stateless persons permanently residing in the country enjoy the same rights to education as citizens of Uzbekistan.

Furthermore, Presidential Resolution No. PD-2932 of April 28, 2017, approved proposals to admit foreign nationals to the undergraduate program at Tashkent State University of Law by competitive interview, and from the 2017/2018 academic year onward the first cohort of students from abroad began their studies at the university.

As of January 1, 2022, the university enrolled a total of 5,630 students, of whom 5,389 were undergraduates and 241 were graduate students. Notably, 40 of these students were foreign nationals as of that date. Convenient conditions have been established for foreign nationals who come to study in our country, and their educational process is effectively organized under a credit-modular system.

According to a survey of these students (N = 34): 13 indicated that, upon graduation, they intend to practice as advocates in Uzbekistan; 21 opined that foreign citizens should be granted the right to obtain advocate status in Uzbekistan; 3 believed that this right should not be extended to foreign citizens; and 10 suggested that foreign applicants

should be permitted to acquire advocate status under certain conditions (for example, completion of an undergraduate program in the host country's jurisprudence) (TSUL Archive, 2022).

In a sociological survey, respondents were asked, "Do you believe foreign citizens should be granted the right to obtain advocate status in Uzbekistan?" Of the participants, 96 answered "Yes," 43 answered "No," and 137 answered "Yes, but only under certain conditions" (see Appendix 2).

Similarly, when asked, "Should stateless persons be permitted to acquire advocate status in Uzbekistan?" 86 respondents answered "Yes," 61 answered "No," and 129 answered "Yes, but only under certain conditions" (see Appendix 2).

Moreover, Presidential Decree No. PD-4947 of February 7, 2017 – which approved the State Programme on Implementing the Action Strategy for Five Priority Areas of Development of the Republic of Uzbekistan for 2017–2021 under the Year of Dialogue with the People and Human Interests – contains in its Clause 115 a directive to create opportunities for foreign nationals and stateless persons permanently residing in Uzbekistan to engage in advocacy and to prepare draft amendments to the Law "On Advocacy" accordingly.

In our view, since foreign students have been admitted to study law in Uzbekistan, it is only logical that, upon successful completion of their legal education, they should be afforded the opportunity to practice in certain legal specializations under appropriate conditions.

It should be emphasized that a foreign citizen or stateless person who is duly registered and residing in Uzbekistan under current legislation is no less professionally capable of practicing law. The core duty of an advocate is to provide high-quality legal assistance to individuals and legal entities; what matters is the candidate's theoretical knowledge and practical skills, not their nationality or stateless status.

A review of the legislation of foreign countries – particularly those of the CIS member states – regarding citizenship requirements for admission to the bar reveals that in Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan candidates must be citizens of the respective country in order to obtain advocate status.

It should be emphasized that restricting the right to practice as an advocate solely to a state's own citizens does not amount to a limitation of foreign nationals' rights, as affirmed in the "Basic Principles on the Role of Advocates" adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (United Nations, 1990).

It should be noted that in the legislation of the Russian Federation, Azerbaijan, Armenia, and Ukraine, there is no requirement that a candidate for advocate status be a citizen of that state. The term used is simply "person," which means the individual may be a national of the State in question, a foreign national, or a stateless person. Accordingly, in each of these jurisdictions, if a foreign national or stateless person satisfies all the statutory requirements for admission to the bar, they are entitled to obtain advocate status and to practice law under the existing legal framework (Federal Law of the Russian Federation on Advocacy, 2002; Law of the Republic of Azerbaijan on Advocates and Advocacy Activity, n.d.; Law of the Republic of Armenia on Advocacy, n.d.; Law of Ukraine on the Bar and Advocacy, n.d.).

In the United Kingdom, the legal profession is divided into solicitors and barristers, each subject to its own admission requirements. For example, under the Solicitors Act 1974, there is no requirement that a candidate for admission as a solicitor be a citizen of the United Kingdom. The same rule likewise applies to those seeking to become barristers (Solicitors Act 1974, 1974; Bar Standards Board, n.d.).

According to Article 10 of Georgia's Law "On Advocacy" an applicant for advocate status must be a citizen of Georgia; similarly, under Turkish legislation, the candidate must hold Turkish citizenship (Law of Georgia on Advocates, n.d.; Salomova, 2008).

Under the Law "On Advocacy" of the Republic of Lithuania and the Law "On the Bar Association" of the Republic of Finland, an individual must be either a citizen of Lithuania or Finland or a national of a Member State of the European Union. An identical requirement is also found in Italian legislation.

According to the Law of 31 December 1971 on the Reform of Certain Judicial and Legal Professions in France, specific requirements regarding nationality are established for obtaining the status of an advocate. In particular, an applicant must either be a French national; or a national of a member state of the European Union or a state that is a party to the Agreement on the European Economic Area; or a national of a state or territorial entity that is not part of the European Community or the European Economic Area, provided that the applicant has been granted refugee status or the status of a stateless person by the competent French authority responsible for the protection of refugees and stateless persons.

According to the legislation of Germany and Italy, both their own nationals and foreign nationals are granted the opportunity to practice as advocates in these countries, subject to the fulfillment of certain conditions. For instance, in Italy, a foreign national or a stateless person must have completed a bachelor's degree in law at one of the universities in Italy and must have passed the qualification examination (Lehmann, n.d.; Yuryev, 2020).

At the same time, in countries such as Japan and the Republic of Korea, it is stipulated that being a national of the respective country is not a mandatory requirement for becoming an advocate (Dobryakov, 2020).

In this regard, we fully support the opinion expressed by A. Khayrulina: *"It is necessary to ensure the possibility for foreign nationals to engage in legal practice, as this expands the opportunities for the exercise of legal protection"* (Khayrulina, 2020, p. 53).

In summary, the analysis shows that in countries with well-developed systems for training highly qualified advocates, citizenship is not established as a mandatory requirement for obtaining the status of an advocate. In most of the countries studied, there is no requirement to be a national of that country. Therefore, we believe it is necessary to provide an opportunity for foreign nationals and stateless persons to apply for advocate status in Uzbekistan, provided they have fulfilled certain conditions – such as graduating from a national higher education institution and residing in the country for a specified period of time.

Another important issue is the need to incorporate provisions into national legislation that would allow foreign advocates to enter Uzbekistan, obtain the status of an advocate in accordance with the prescribed procedure, and engage in legal practice. Currently, national legislation does not explicitly regulate the procedures for foreign advocates to conduct legal practice within the territory of Uzbekistan. More precisely, such activity is not permitted under the existing legal framework.

In contrast, the legislation of foreign countries typically provides that advocates from other jurisdictions may engage in legal practice upon being registered in a special registry.

Researcher D. Nurumov (2021) outlines the following conditions for allowing foreign advocates to practice within the territory of Uzbekistan: the existence of relevant treaties and agreements on legal assistance between Uzbekistan and the advocate's home country; the registration of the foreign advocate in a special registry maintained by the Ministry of Justice; the invitation of the advocate by a national citizen for the purpose of legal assistance; the absence of any connection between the advocate's case and

Uzbekistan's state secrets, military secrets, or official secrets; and that the registration procedure in the special registry is established by a resolution of the Cabinet of Ministers of the Republic of Uzbekistan.

Kenneth S. Kilimnik maintains that "it is necessary to consider not only reducing the barriers to entry for foreign advocates – such as citizenship requirements, non-recognition of educational background and professional experience, and registration formalities – but also addressing overlapping and duplicative regulatory frameworks that affect foreign advocates and their practice, with the aim of minimizing external obstacles to the legal profession as a whole" (Kilimnik, n.d., p. 274).

Fully supporting the opinion expressed by D. Nurumov, it should be emphasized that the procedures and conditions under which foreign advocates may engage in legal practice in Uzbekistan must be explicitly reflected in the Law of the Republic of Uzbekistan "On the Advocacy."

In this context, the legislation of the Russian Federation provides a relevant example. According to Russian law, foreign advocates are permitted to provide legal assistance within the territory of the Russian Federation only in matters related to the law of their home country. They are prohibited from offering legal assistance in cases involving state secrets of the Russian Federation. Furthermore, foreign advocates intending to practice law in the Russian Federation must be registered in a special registry maintained by the federal executive authority in the field of justice (Federal Law of the Russian Federation on Advocacy, 2002).

In the legislation of the Republic of Belarus, it is stipulated that, in accordance with the international treaties of the Republic of Belarus, foreign advocates from relevant jurisdictions may provide legal assistance and engage in legal practice within the territory of Belarus after being included in the Register of Advocates, an advocacy bureau, or a legal consultancy. Moreover, special permits (licenses) for the conduct of such legal activities within Belarus are issued by the Ministry of Justice (Law of the Republic of Belarus on Advocacy, n.d.).

Under the legislation of Ukraine, a foreign advocate may carry out legal practice within the territory of Ukraine in accordance with the established procedure. The granting of permission for such legal activity – unless otherwise provided for by an international treaty – is regulated by the Verkhovna Rada of Ukraine (Law of Ukraine on the Bar and Advocacy, n.d.).

According to the legislation of Armenia, a foreign advocate may engage in legal practice in Armenia in accordance with the established procedure, unless otherwise provided for by international treaties to which Armenia is a party. Furthermore, a foreign advocate in Armenia must operate on the basis of a license issued by the relevant advocacy body of their home country, and this license must be accredited by the Chamber of Advocates of Armenia.

It is noteworthy that certain restrictions are imposed on foreign advocates operating within the territory of Armenia. In particular, they are not permitted to provide legal assistance in matters related to state or official secrets of Armenia and are not eligible to be elected to the governing bodies of the Chamber of Advocates.

An analysis of the legislation regulating the legal profession in Kyrgyzstan reveals that foreign advocates are allowed to provide legal assistance to individuals and legal entities within the territory of Kyrgyzstan in any form. The basis for providing such legal assistance is an international agreement concluded between Kyrgyzstan and the advocate in question. Additionally, the foreign advocate must be registered in the special registry maintained by the Ministry of Justice of the Kyrgyz Republic.

It should be emphasized that foreign advocates operate within the territory of Kyrgyzstan under certain restrictions. For instance, they are not permitted to provide legal assistance in matters related to state secrets.

According to the legislation of Tajikistan, foreign advocates are not permitted to engage in legal practice within the territory of Tajikistan. However, they may participate exclusively in economic cases related to the law of their home country, provided they have been entered into a special registry of foreign advocates. It is specifically stated that this participation does not apply to cases involving state secrets.

According to the legislation of Lithuania, a foreign advocate may engage in legal practice in Lithuania only on the basis of an international treaty of the Republic of Lithuania concerning the provision of legal assistance.

As a general rule, foreign advocates are not permitted to practice law in Turkey. However, there are certain exceptions. For instance, in the interest of improving the country's investment climate, Turkish advocates may cooperate with foreign advocates. In particular, foreign advocates are allowed to provide legal consultancy in the fields of foreign or international law.

In Japan, foreign advocates may engage in legal practice within the territory of Japan under certain conditions. Specifically, they must possess at least three years of professional experience in the practice of law in their home country (Rekhovsky, 2016).

Based on the above analysis, foreign advocates may be permitted to engage in legal practice within the territory of the host country under the following conditions:

- exclusively in matters related to the law of their home country;
- in cases not involving state, official, or military secrets;
- after being registered in the special register of the competent justice authority;
- where such legal assistance is provided for by international treaties and agreements with the host country;
- if the license held by the foreign advocate has been accredited by the competent authority;
- participation is limited to economic cases related to the law of the foreign country;
- the foreign advocate must possess at least three years of professional legal experience in their home jurisdiction.

As a result of the analysis of the legislation of foreign countries, it has been established that the criteria for permitting foreign advocates to provide legal services within the territory of a host country can be classified into the following models:

- 1) Prohibitive model;
- 2) Restrictive model;
- 3) Liberal model.

I.M. Pereverza (2016) also classifies these models into three categories, analyzing their characteristics in detail and identifying the specific countries that fall under each model based on these characteristics.

In our view, the theoretical analysis of the concept of these models, their defining features, and the classification of countries under each model is necessary.

The prohibitive model refers to the prohibition of qualified legal assistance by foreign advocates within the territory of the host country. In other words, under the applicable legislation, foreign advocates are not allowed to engage in legal practice. An example of this model can be seen in the Republic of Uzbekistan. The main feature of the prohibitive model is that the participation of foreign advocates in providing legal assistance within the host country is not permitted by law.

The restrictive model is one of the most widespread models globally. This model allows foreign advocates to provide qualified legal services within the host country under certain conditions. These conditions may include the principle of bilateral agreements (as in Kyrgyzstan and Moldova), the principle of reciprocity (as in Tajikistan), or individually determined conditions for admission to legal practice (as in the United States and Vietnam). To limit the activity of foreign advocates, host countries may prohibit them from opening law firms (e.g., Tajikistan), from representing clients in courts or other institutions (e.g., China, Moldova, Azerbaijan, and Turkey), or may allow legal assistance only in accordance with the law of the advocate's home country (e.g., the Russian Federation and Japan).

One of the defining features of the restrictive model is that foreign advocates are allowed to engage in legal practice within the territory of the host country in accordance with the law. Furthermore, the legislature has the discretion to determine the conditions under which foreign advocates are admitted to legal practice and to regulate the scope of their activities within the host state.

The liberal model refers to a framework in which foreign advocates are granted the right to practice law in the host country without any restrictions. It is important to note that under this model, foreign advocates enjoy equal rights and responsibilities as local advocates. The features of this model can be observed in the legislation of countries such as Singapore and member states of the European Union.

Key characteristics of the liberal model include: legal permission for foreign advocates to provide qualified legal assistance in the host country; equal rights for foreign and local advocates in legal practice; a legal system that is open to interaction with the international community or regional organizations; a readiness to embrace competition in the provision of legal services.

According to the results of a conducted public survey, in response to the question "Do you think foreign advocates should be granted the right to engage in advocacy activities within the territory of our country?", 72 respondents answered "Yes, foreign advocates should be granted such a right," 35 respondents answered "No, foreign advocates should not be granted such a right," and 169 respondents expressed the opinion that "Yes, but such a right should be granted to foreign advocates with certain restrictions" (Tashkent State University of Law, 2022).

Based on studies and analyses related to the citizenship requirement for acquiring advocate status, as well as the results of the aforementioned public survey, the following conclusions have been drawn:

first, the decision to establish or not to establish citizenship of a particular state as a mandatory requirement for acquiring advocate status falls entirely within the sovereign competence of each individual country. In many foreign countries with a well-developed institution of advocacy (France, Germany, Italy, the Russian Federation, Sweden, Ukraine, the United Kingdom, the United States, Azerbaijan, Armenia, Japan, and Korea), citizenship is not considered a necessary (mandatory) condition for obtaining advocate status. Therefore, it is deemed essential for the legislature to take this issue into account when implementing reforms in the sphere of advocacy.

second, it is considered appropriate to revise the citizenship requirement for obtaining advocate status in national legislation by replacing the phrase "citizen of the Republic of Uzbekistan" with the term "person." This approach would contribute to ensuring employment for graduates of national higher education institutions who are either citizens of Uzbekistan, foreign citizens possessing a residence permit in Uzbekistan, or stateless persons; fostering healthy competition among applicants; and encouraging

law enforcement personnel, judges, and court staff to continuously work on their self-development, both personally and professionally.

third, it is advisable to introduce a provision into the Law of the Republic of Uzbekistan “On Advocacy” that regulates the right of foreign advocates to engage in advocacy activities within the territory of Uzbekistan (see Annex 1).

One of the key requirements for obtaining advocate status is possession of higher legal education.

In our view, it is necessary to clarify the concept of “higher legal education” as set forth in the Law of the Republic of Uzbekistan “On Advocacy” and to recognize an academic degree in a legal specialty as an alternative qualification. Allowing candidates to satisfy either of these requirements, namely, possession of a higher legal education or an academic degree in a legal specialty, would, first, promote the development of a community of advocates with strong academic and analytical expertise and, second, contribute to an increase in the number of qualified advocates.

According to Article 11 of the Law of the Republic of Uzbekistan “On Education,” higher education is divided into bachelor’s (basic higher education) and master’s (advanced higher education) levels.

Analysis of Article 3 of the Law of the Republic of Uzbekistan “On Advocacy” indicates that candidates wishing to obtain advocate status are required to have higher legal education. However, the law does not specify the level of education (bachelor’s or master’s). Therefore, it is necessary to provide a clear definition of the term “higher legal education.”

In this regard, referring to the opinion of scholars, Z. Amirov emphasizes that “a total of 1,755 legal specialists are trained in our country over the course of one year.” In our view, Z. Amirov, in this matter, refers solely to admission quotas. His estimate does not take into account additional tuition-based contracts nor does it include all higher education institutions in Uzbekistan that offer legal education (Amirov, 2021, pp. 12–14).

As of January 1, 2022, for the 2021/2022 academic year, parameters were established for state-funded admission to undergraduate (full-time and/or part-time) programs in the field of jurisprudence at higher education institutions in Uzbekistan. According to these parameters, the following institutions were granted the right to admit students to undergraduate (full-time and/or part-time) programs in jurisprudence on the basis of a state order: Tashkent State University of Law, Namangan State University, Termez State University, Samarkand State University, Karakalpak State University, Andijan Institute of Agriculture and Agrotechnologies, and Tashkent State Transport University.

In addition, the University of World Economy and Diplomacy, Westminster International University in Tashkent, the Academy of the Ministry of Internal Affairs, the Customs Institute, and the University of Public Security are also involved in the training of qualified legal professionals.

Analysis shows that only 12 higher education institutions in the Republic of Uzbekistan are authorized to provide higher legal education (Amirov, 2021).

If we compare this situation with Kazakhstan (as of 2016), there were 127 educational institutions providing legal education, producing approximately 30,000 legal specialists annually. In conclusion, it is necessary to increase the number of core higher education institutions responsible for training future legal professionals in our country (Abdrakhmanova, 2016).

It should be noted that diplomas issued by educational institutions that have not obtained a license in accordance with the established procedure are not recognized. The State Inspectorate for Supervision of Quality in Education maintains a publicly

accessible Register of Non-State Educational Institutions on its official website, where information about licensed educational institutions is regularly updated (Yuz. uz, n.d.).

At present, the list of related undergraduate fields eligible for admission to the master's programs of state higher education institutions in the Republic of Uzbekistan is approved annually by an order of the Minister of Higher and Secondary Specialized Education. According to this list, beginning with the 2021/2022 academic year, graduates holding a bachelor's degree in related disciplines, including Management (Organization and Management of Sports Events), Sports Activities (by type of activity), Pre-conscription Military Education, Political Science, Economics (by sectors and industries), Regional Economics, World Economy and International Economic Relations (by regions and fields), Human Resource Management, Computer Science and Programming Technologies (by fields), Information Systems and Technologies (by sectors and industries), Information Security (by sectors), Digital Economy (by sectors and industries), E-Commerce, Philology and Language Teaching (by languages), Information Services and Public Relations, Journalism, Foreign Language and Literature (English), and History (by countries and fields), have been eligible to sit for the entrance examinations to master's programs in jurisprudence.

As a result of this policy, the proportion of students admitted to master's programs in law at Tashkent State University of Law who have completed their undergraduate studies in disciplines other than jurisprudence has been steadily increasing. For example, in the 2019/2020 academic year, 31 out of 124 master's students had completed a non-jurisprudence undergraduate degree.

In the 2020/2021 academic year, 137 out of 259 master's students held a bachelor's degree in a field other than jurisprudence. In the 2021/2022 academic year, 69 out of 251 master's students came from undergraduate programs not related to jurisprudence.

Individuals with a non-law undergraduate degree who are admitted to and successfully complete a master's program in jurisprudence are also considered to have obtained a higher legal education. As a result, such individuals are deemed eligible to work in legal professions such as judge, prosecutor, advocate, investigator, and inquiry officer.

In our view, legal professionals must possess a comprehensive understanding of jurisprudential knowledge and be able to apply it effectively in practice. However, there is a significant difference in the level of theoretical knowledge and practical skills between those who studied jurisprudence as their core undergraduate discipline over four years and those who completed a non-law undergraduate program and then successfully completed a one-year master's program in jurisprudence.

According to Professor J.A. Ne'matov, Section 3 of the Regulation "On Admission to the Master's Degree Programs of Higher Education Institutions" (Annex No. 2 to the Resolution No. 393 of the Cabinet of Ministers of the Republic of Uzbekistan, dated June 20, 2017), provides that admission to the master's programs shall be carried out on a competitive basis among individuals holding a bachelor's degree or a qualified specialist diploma in the respective field of education or in a related field as determined by the Ministry of Higher and Secondary Specialized Education.

In this context, the question "Can the right to receive qualified legal assistance at any stage of investigative and judicial proceedings, as guaranteed by Article 29 of the Constitution of the Republic of Uzbekistan, be ensured under such circumstances?" has become particularly pressing today.

According to the results of a sociological survey, in response to the question, "What is your opinion regarding granting the status of advocate to individuals who have completed a non-law undergraduate program and have then successfully completed a master's program in jurisprudence at a higher education institution?", 90 respondents answered that such individuals should be granted advocate status, 138 respondents opposed granting them the right to engage in advocacy, and 14 respondents stated they found it difficult to answer the question.

We fully support K.Y. Surovova's opinion that "the educational requirements for individuals seeking to obtain the status of an advocate should be seriously reconsidered, and that candidates must possess a foundational higher legal education and a higher legal qualification specifically in the field of law" (Surovova, 2016, pp. 89–90).

The views of N. Mamedova and V. Golubev also fully support the aforementioned opinion: "The status of an advocate may be obtained by a person who has received a higher legal education under an educational program accredited by the state" (Mamedov & Golubev, 2017, p. 197).

In our opinion, a candidate for the status of advocate must have completed a foundational higher education program in jurisprudence. This is because an individual with a non-legal undergraduate background cannot, within one academic year of a master's program, sufficiently grasp the fundamental principles of law, due to both time constraints and the volume of academic subjects. Therefore, a provision stipulating that only individuals with a foundational higher legal education may obtain the status of judge, prosecutor, advocate, investigator, or inquiry officer should be incorporated into the Law of the Republic of Uzbekistan "On Advocacy" (see Annex 1). Similar amendments should also be introduced into the Laws of the Republic of Uzbekistan "On Courts" and "On the Prosecutor's Office."

In conclusion, the proposed amendment aligns with the priority directions and ongoing reforms in the field of advocacy. Another important issue is the recognition of higher education credentials obtained abroad.

Although it is required that a candidate possess a higher legal education to become an advocate, national legislation does not currently provide a rule stating that a diploma obtained in a foreign undergraduate law program, once officially recognized in accordance with established procedures, is considered valid and that the candidate is deemed to have met the requirement of possessing a higher legal education. Clearly defining this matter in the Law of the Republic of Uzbekistan "On the Bar" may not lead to a significant change in the legal profession, but it would help eliminate varying interpretations among candidates regarding the fulfillment of legal education requirements for obtaining advocate status.

It is worth noting that the number of individuals who have received education at the undergraduate or graduate levels in foreign countries and have returned to Uzbekistan to begin or continue their professional careers in state bodies and organizations is steadily increasing.

The recognition of higher education diplomas obtained in foreign countries is carried out on the basis of the Law of the Republic of Uzbekistan "On Education" and the requirements of the Regulation on the Procedure for the Recognition of Documents on Education Obtained in Foreign Countries, approved by Resolution No. 620 of the Cabinet of Ministers of the Republic of Uzbekistan dated July 24, 2019.

Once the higher education diplomas obtained at foreign institutions of higher learning are recognized in accordance with the established procedure in the Republic of Uzbekistan, such documents may be considered as having the same legal force as

state-approved educational documents (diplomas) issued in Uzbekistan. Holders of such documents may be employed without any restrictions in courts, law enforcement agencies, the advocacy system, and other state bodies and organizations.

In accordance with the requirements of the above-mentioned Regulation, a higher education diploma obtained in a foreign country after January 1, 1992, is recognized as a legally valid document in Uzbekistan after undergoing the recognition procedure.

### **Discussion**

In conclusion, a candidate who has obtained a foundational higher legal education in a foreign country and seeks to acquire the status of advocate must, first and foremost, resolve the recognition of their foreign higher education credentials within the territory of Uzbekistan in accordance with the established procedures. Upon successful completion of all formalities, a certificate of recognition of higher education credentials will be issued. Only after this stage may the candidate submit the necessary documents to the qualification commissions under the relevant regional departments of the Chamber of Advocates.

To address the existing challenges related to the requirement of possessing a higher legal education for obtaining advocate status, it is essential to study and analyze the positive experience of foreign countries in this regard. In the legislation of certain countries (such as the Russian Federation, Armenia, and Italy), holding a scientific degree in a legal specialty is recognized as an alternative to the requirement of higher legal education. These countries allow not only individuals with higher legal education, but also those with a non-legal academic background, to obtain a scientific degree in the field of law. This suggests that it is sufficient for a candidate seeking advocate status to fulfill either the requirement of holding a higher legal education or possessing a scientific degree in a legal specialty.

Research also shows that in some foreign countries (such as France, Georgia, South Korea, Kazakhstan, Azerbaijan, Tajikistan, and Turkmenistan), the requirement for obtaining advocate status includes possessing a higher legal education. In Kyrgyzstan, a person must hold a higher legal education in order to obtain an advocacy license.

In this regard, strict requirements are also established in France. In particular, a candidate for the position of an advocate must hold a Master's degree in law.

The legislation of Armenia stipulates that, in order to obtain an advocate's license, an individual must possess a higher legal education or an academic degree in a legal specialty. In the legislation of the Russian Federation, it is established that a candidate for the status of an advocate must have a legal education obtained under a state-accredited educational program or hold an academic degree in a legal specialty.

In the legislation of Moldova, it is stipulated that a person seeking to engage in advocacy must hold a law degree or an equivalent educational qualification (Law on Advocacy of Moldova, 2012).

According to the legislation of Ukraine, an individual must have a complete higher legal education to qualify as an advocate. The term "complete higher legal education" refers to full higher legal education obtained in Ukraine, as well as full higher legal education obtained abroad and recognized in Ukraine in accordance with the procedure established by law. It is noteworthy that the rule on the recognition of these higher education documents is explicitly defined in Ukraine's legislation governing the advocacy profession.

In this regard, the legislation of Lithuania requires that a person wishing to become an advocate must hold a Bachelor's or Master's degree in law or possess a

professional qualification in legal studies (a single-cycle higher legal education). Similarly, the legislation of Finland establishes that holding a higher legal education is an academic requirement for occupying judicial positions. In Austria, too, the legislation stipulates that individuals must possess a higher legal education obtained in designated countries (Law on the Bar of Lithuania, n.d.; Zhdanov, 2013; Sitnikova, 2012; Pronin, 2013).

In Germany, a higher legal education is required to become an advocate. A positive aspect of the German system is that all legal professions – particularly advocates and judges – are subject to the same legal education requirements. This commendable practice is also present in the legislation of Japan.

There is virtually no difference in the knowledge and practical skills acquired by these professionals, and they work under equal conditions. In Uzbekistan, however, this matter remains rather complex, as separate requirements are established for each legal profession. This leads to a number of difficulties when transitioning from one legal profession to another.

It is difficult to agree with V.Y. Abramov's view that "the requirements for obtaining the status of an advocate should be strengthened, and a candidate must hold a Master's degree in law..." (Abramov, 2020, pp. 478–480). This is because the foundational stage of higher legal education, which provides in-depth knowledge, skills, and qualifications in one of the branches of jurisprudence, is considered a basic level of higher education. Therefore, it is not advisable at present to require candidates to hold a Master's degree in law.

### **Conclusion**

Based on the analysis of the requirement for candidates to hold a higher legal education in order to become an advocate, as well as the results of public opinion surveys, the following conclusions have been drawn:

first, in foreign countries such as France, Georgia, South Korea, Kazakhstan, Azerbaijan, Tajikistan, and Turkmenistan, holding a higher legal education is a requirement for acquiring the status of an advocate, whereas in Kyrgyzstan, this requirement applies to obtaining an advocacy license. In our view, the requirement to possess a higher legal education must be regarded as a necessary condition for acquiring advocate status.

second, the study of the legislation of several foreign countries (the Russian Federation, Armenia, Moldova, and Italy) shows that, as an alternative to holding a higher legal education, possession of an academic degree in a legal specialty is established. Based on this positive experience, it is advisable to introduce a provision in the Law of the Republic of Uzbekistan "On Advocacy" stipulating that a candidate for advocate status must hold either a basic higher legal education or an academic degree in a legal specialty (see Annex 1).

third, if a candidate possesses a document confirming completion of basic higher legal education abroad, along with a certificate of recognition of that document in Uzbekistan, they shall be deemed to have fully met the requirement to hold a higher legal education for the purpose of acquiring advocate status.

fourth, taking into account the positive experiences of certain foreign countries (such as the Russian Federation and Ukraine), the Law "On Advocacy" should provide a clear definition of the term "higher legal education." This would enable the law to specify the required level of legal education for obtaining advocate status and help prevent differing interpretations of this concept.

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