

# REGULATION OF THE LEGAL SERVICE OF STATE ORGANS IN CENTRAL ASIA: EXAMPLE OF UZBEKISTAN

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Independent Uzbekistan is gradually moving along the path of building a democratic legal state and a civil society with a socially oriented stable market economy and an open foreign policy. Political, economic, legal and other reforms implemented in the country based on five key principles that were the basis of the Uzbek development model: the economy's priority over politics, the state is the main reformer, the rule of law, strong social policy, and phased reform.

Reform is a multi-faceted and long-term process, in which the most important areas are the creation of perfect legislation, ensuring the strict implementation of laws, raising the legal culture of the population and officials, and clearly defining the rights and duties of citizens, government and government. In this process, a special place occupied by the legal service of the bodies of state power and administration, as well as economic entities. This article is devoted to the development of legislation on the legal service in the Republic of Uzbekistan in chronological order based on normative legal acts adopted in the years of the country's independence.

## 1. A Brief History of the Modern Legal Service of Uzbekistan

### (1.1) The Soviet system

In Uzbekistan, the legal service has almost 100 years of history, since the first mention of legal advisors appears in 1918 in the decree of the Council of People's Commissars<sup>1</sup>. Before the formation of the Uzbek SSR on the territory of Uzbekistan, the legislation on the legal service of the Russian Federation was mainly in force<sup>2</sup>. In the Uzbek SSR, initially legal acts on the legal service adopted in the late 1920s and early 1930s<sup>3</sup>.

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<sup>1</sup> SS of the RSFSR.1918. №8. Art.567.

<sup>2</sup> See: L.V. Mas. The management of the legal adviser for enterprises of various forms of ownership. - St. Petersburg: Peter, 2005. - P.9-10; SS of the RSFSR.1920. №47. Art.211; SS of the RSFSR.1920. №90. Art.465; Bulletin of Soviet Justice. 1924. № 1. C.47; Weekly of Soviet Justice. №1. P.21; Braginsky M. The main issues of the organization of legal advisers of state bodies // Weekly of Soviet Justice.1926. №37.

<sup>3</sup> See: Resolution of the Council of People's Commissars of the Uzbek SSR of June 9, 1928, No. 38 "On legal advisers of state institutions, enterprises and cooperative organizations and on the supervision of their activities." // Systematic meeting of the current legislation of the Uzbek SSR, 1928, No. 7, Article 318; Regulations on legal advisers (legal consultants) of institutions, enterprises and organizations of the socialized sector, approved by the resolution of the Council of People's Commissars of the Uzbek SSR on October 11, 1933, No. 718 // Systematic meeting of the current legislation of the Uzbek SSR, 1933, No. 30, art.

During the Second World War, with the formation of the State Defense Committee, centralization in the management of the national economy increased, the scope of legal work and its directions changed, the position of legal adviser at many enterprises was reduced, and legal acts on legal services were not adopted<sup>4</sup>.

In the postwar period, with the increased role and importance of economic contracts, measures taken to restore the post of legal adviser. Thus, by the decision of the Council of Ministers of the USSR of April 21, 1949, "On the Conclusion of Economic Agreements," the Soviet Union recognized necessity to restore the position of legal advisors in the economic bodies that enter into contracts, or, depending on the volume of work, contractual and legal departments<sup>5</sup>.

During the reorganization of the management of industry and construction and the formation of the economic councils, the activity of legal services was noticeably more active. In this regard, in many Union republics, including in the Uzbek SSR, new provisions on the legal service approved<sup>6</sup>. For the first time, the Council of Ministers of the Uzbek SSR on August 15, 1967 adopted a special resolution "On measures to improve the activities of legal services of ministries and departments of the Uzbek SSR."<sup>7</sup> The significance of this decree was that it served as the basis for the development of practical measures by the relevant ministries and departments to improve the work of the legal service, to strengthen the leadership and control over its activities.

As the main directions of the legal service, the following were defined: 1) use of legal means to achieve the best economic results by enterprises and organizations, implementation of measures to strengthen the state, financial, labor, contractual discipline and economic calculation, prevention of violations of constitutional, labor and other rights of citizens; 2) involving legal officers in the development of contracts, ensuring the implementation of government decisions aimed at improving the quality, quantity and range of products, examining materials on the status of receivables and developing measures for its repayment, drafting decisions, instructions and orders ; 3) strict observance of the requirements of the Regulations on Legal Service Employees, including the procedure for appointing legal advisers<sup>8</sup>.

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<sup>4</sup> See: Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.17-18; Mas L.V. The management of the legal adviser for enterprises of various forms of ownership. - St. Petersburg: Peter, 2005. - C.20-21.

<sup>5</sup> Joint venture of the USSR. 1949. № 9. Art.68; Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.17-18

<sup>6</sup> See: Model Provision on the Legal (Contractual-Legal) Department (Bureau), Chief (Senior) Legal Adviser, Legal Advisor of the Enterprise, Institution, Organization, approved by Resolution of the Council of Ministers of the Uzbek SSR September 20, 1963 No. 551 // JV UzSSR, 1963, No. 10 , art.74.

<sup>7</sup> Joint venture UzSSR. 1967. № 4. Article 37.

<sup>8</sup> Otakhonov F.Kh. Legal service in the Republic of Uzbekistan // Tashkent, Adolat, 2008, p.16-17.

In the 1970s, the formation of the all-Union legislation on the legal service and the adoption of republican regulations on its basis<sup>9</sup>, as well as the provisions on the legal service and other regulations adopted by the ministries and departments of the republic, basically corresponds to the contents of acts of central government bodies of former USSR.

On the initiative of Ministry of Justice, in the 1970s and early 1980s, the Government adopted decisions on the quantitative and qualitative strengthening of legal services and the raising of the level of legal work, including the legal services of the administrative bodies of Uzbekistan<sup>10</sup>. As a result, over the years the number of legal advisers employed in the national economy increased by 30 percent, and their total number reached 4,102 people, 80 percent of them had a higher legal education. Legal services had become more active in strengthening contractual and

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<sup>9</sup> See: Khangeldiev B.B. Legislation on the legal service // Problems of improving Soviet legislation. Proceedings of VNIISE. M.: 1987. Issue 36. P.75; Decree of the Central Committee of the CPSU and the Council of Ministers of the USSR of December 23, 1970 No. 1025 "On improving the legal work in the national economy"; General Provisions on the Legal Department (Bureau), Chief (Senior) Legal Adviser, Legal Advisor of the Ministry, Department, Executive Committee of the Council of Working People's Deputies, Enterprise, Organization and Institution approved by Resolution No. 467 of the Council of Ministers of the USSR of June 22, 1972 // USSR Joint Venture, 1972, No. 13, art.70; Resolution of the Central Committee of the Communist Party of Uzbekistan and the Council of Ministers of the Uzbek SSR No. 60 "On the Resolution of the Central Committee of the CPSU and the Council of Ministers of the USSR of December 23, 1970 No. 1025" On Improving Legal Work in the National Economy, "UzSSR, 1971, No. 2, Article 6.

<sup>10</sup> See: Resolution of the Council of Ministers of the Uzbek SSR on May 3, 1972, No. 187 "On the state and measures for further improvement of legal work in the national economy." // Systematic meeting of the current legislation of the UzSSR, 1928, No. 7, art. 318; Resolution of the Council of Ministers of the Uzbek SSR of July 10, 1972, No. 285 // JV UzSSR, 1972, No. 7, art.38; Decree of the Council of Ministers of the UzSSR of July 6, 1973 No. 283 "On the status of legal work in the executive committees of the Soviets of Working People's Deputies of the Syrdarya region" // JV UzSSR, 1973, No. 7, art. 41; Resolution of the Council of Ministers of the Uzbek SSR of September 13, 1973 No. 401 "On Strengthening Legal Work in the Ministries and Departments of the Republic" // Decisions of the Council of Ministers of the Uzbek SSR for September 1973, P.78-81; Resolution of the Council of Ministers of the Uzbek SSR on April 2, 1974 No. 142 "On the state and measures to improve legal work in the agricultural sector of the republic" // Decrees of the Council of Ministers of the UzSSR for April 1974, pp. 24-26; Resolution of the Central Committee of the Communist Party of Uzbekistan and the Council of Ministers of the UzSSR of July 30, 1975 No. 425 "Decree of the Central Committee of the CPSU and the Council of Ministers of the USSR of June 25, 1975 No. 558" On measures to further improve economic legislation, "UzSSR, 1977, No. 7, .37; Decree of the Council of Ministers of the Uzbek SSR on December 8, 1976, No. 677 "On the Increase of the Role of Legal Services in Ensuring the Observance of Economic and Labor Legislation in the National Economy of the Republic" // Decrees of the Council of Ministers of the UzSSR for December 1976, P.69-73; Resolution of the Council of Ministers of the Uzbek SSR on August 11, 1977 No. 526 "On improving the legal service of the executive committees of local Soviets of Working People's Deputies of the Uzbek SSR" // Decisions of the Council of Ministers of the UzSSR for August 1977, P.68-72; Resolution of the Council of Ministers of the Uzbek SSR of August 29, 1979, No. 609 "On the implementation of the Decree of the Council of Ministers of the Uzbek SSR of April 2, 1974 No. 142" On the state and measures to improve legal work in the agricultural sector of the republic "in light of the requirements of the July 1978 ) Plenum of the Central Committee of the CPSU" // Decisions of the Council of Ministers of the UzSSR for August 1977, P.219-222; Law of the Uzbek SSR of 12 November 1980 "On the Regional Council of People's Deputies of the Uzbek SSR" // Vedomosti of the Supreme Soviet of the Uzbek SSR, 1980, No. 32, annex; Regulations on the legal department (bureau) of the executive committee of the regional Council of People's Deputies, approved by the Decree of the Council of Ministers of the Uzbek SSR on February 10, 1983, No. 79; Decree of the Council of Ministers of the Uzbek SSR on October 22, 1984 No. 552 "On the status and further improvement of the legal service in the ministries and agencies of the republic in the light of the decisions of the 26th Congress of the CPSU Central Committee" // Decrees of the Council of Ministers of the UzSSR for October 1984, p.106- 108.

labor discipline, in implementing measures for the effective use of labor, material and financial resources<sup>11</sup>.

There were following types of regulatory legal acts on the legal service: a) the procedure for appointing and dismissing employees of the legal service; b) the main tasks of the legal service to strengthen the legality in the work of enterprises, institutions and organizations, to actively promote legal means to improve their activities and ensure the preservation of state property; c) the rights, duties and responsibilities of employees of the legal service; d) organizational aspects of the activity of the legal service, its subordination directly to the head of the enterprise; e) the procedure for exercising control over the activities of the legal service, as well as the tasks of the judicial authorities for the implementation of the methodical guidance of the legal service.

It should be noted that in the years between 1985-1990, special regulatory and legal acts on legal services and legal work were not adopted in Uzbekistan, in connection with which the state authorities and enterprises were guided in their legal activities by previously issued regulatory and legal acts. As a result, in many ministries and departments, the legal departments lost the status of independent departments and became part of economic administrations, the number of staff legal advisers was reduced to a minimum, the departmental management of the legal service of the subordinated enterprises practically ceased, and the work of the Ministry of Justice bodies on coordination and methodological guidance of the legal service was weakened. As an example, in the early 1980s, if the Ministry of Bread Products of the Uzbek SSR had an independent Legal Department with arbitration directly subordinate to the minister, with 6 legal advisers, then in 1988 the number of staffs of the department was reduced by 50 percent and transferred to the Main Economic Department with subordination to the deputy head of the department, and in the early 90's it was completely abolished<sup>12</sup>.

Thus, the history of the organization of the legal service in the Uzbek SSR shows that the tasks, methods and methods by which legal advisers were guided at all stages of socialist construction reflected the economic conditions and policies pursued by the country's leadership in different periods<sup>13</sup>.

## **2. The Constitution as the legal basis for legal service**

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<sup>11</sup> Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.39, 41.

<sup>12</sup> Information letter of the Ministry of Justice of the Republic "On the state of legal services to the branches of the national economy of the Uzbek SSR" dated March 26, 1991, No. 68; Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.63.

<sup>13</sup> Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.46-47; Mas L.V. The management of the legal adviser for enterprises of various forms of ownership. - St. Petersburg: Peter, 2005. - P.9.

The Constitution of the Republic of Uzbekistan (hereinafter - Uzbekistan)<sup>14</sup>, adopted in 1992, established the people's centuries-old dream of self-determination, freedom and social justice. In the years of independent development, by many the Constitution is expected to serve as a solid foundation for building a democratic, democratic state, a strong civil society, an economy based on free market relations and the priority of private property, creating a peaceful and prosperous life for our people, and finding Uzbekistan a worthy place in the international arena<sup>15</sup>. It partly achieved this goal, leaving many questions unresolved.<sup>16</sup>

On the other hand, the Constitution, being the main source of all branches of law, is also considered the legal basis for the activity of the legal service. At first glance it may seem that the Constitution does not reflect the norms relating to the activities of the legal service<sup>17</sup>. However, analyzing and delving into the meaning of some articles of the Constitution, one can trace their direct and inseparable connection with the legal service. For example, the constitutional powers of the supreme bodies of state power, government bodies and local authorities are reflected directly in the Constitution. Based on the powers assigned to these authorities, the range of tasks performed by their legal services is determined. Article 76 of the Constitution stipulates that the supreme state representative body is the Oliy Majlis of Uzbekistan, which exercises legislative power<sup>18</sup>. In other words, the main task of the legal service of the Chambers of the Oliy Majlis of Uzbekistan is to conduct a legal examination of the laws that they adopt.

In Article 98 of the Constitution determined that the Cabinet of Ministers of Uzbekistan provides guidance to the effective functioning of the economy, social and spiritual spheres, the implementation of laws of the Republic of Uzbekistan, decisions of the Oliy Majlis, decrees, resolutions and orders of the President of Uzbekistan<sup>19</sup>. The activity of the legal department of the Cabinet of Ministers aimed at legal assistance in fulfilling the tasks specified in the Constitution<sup>20</sup>. According to Article 53 of the Constitution, the basis of the economy of Uzbekistan aimed at the development of market relations is property in its various forms, and the state guarantees freedom of economic activity, entrepreneurship and labor, taking into account the priority of consumer rights, ensuring equality and

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<sup>14</sup> Constitution of the Republic of Uzbekistan - T.: "Uzbekistan", 2018, -74 p.

<sup>15</sup> Mirziyoyev Sh.M. "Ensuring the supremacy of law and human interests is a guarantee of the development of the country and the well-being of the people" // People's word - December 8, 2016

<sup>16</sup> During 1992-2016 years, the Constitution of Uzbekistan was amended .. times. Moreover, the Constitutional Court has not permitted individuals to bring cases on constitutionality of government acts. Only limited number of State organs can bring the cases to the Court.

<sup>17</sup> See: M. Kleandrov. Institute of Legal Service in Entrepreneurship: monograph // Norma, Infra-M, 2013, p.31.

<sup>18</sup> Constitution of the Republic of Uzbekistan - T.: Uzbekistan. 2018.-C.24.

<sup>19</sup> Constitution of the Republic of Uzbekistan - T.: Uzbekistan. 2018.-C.50.

<sup>20</sup> F. Otakhonov. Constitution and legal framework of the legal service // "The Constitution of the Republic of Uzbekistan: science, education and upbringing of youth" materials of the scientific and practical seminar on the 25th anniversary of the Constitution of the Republic of Uzbekistan. -T.: a branch of the Moscow State University named after MV Lomonosov in Tashkent, 2017.- Volume II, p.105.

legal protection of all forms ownership<sup>21</sup>. Article 54 of the Constitution stipulates that the owner, at his own discretion, owns, uses and disposes of the property belonging to him<sup>22</sup>. These articles have a direct relationship to economic subjects. And the legal service of economic entities included in the structure of the legal service system. In connection with the fact that the economic activities of economic entities are based on a contractual and legal basis, the main task of the legal service of economic entities is the legal provision of contractual and claim-related work.

Proceeding from the foregoing, one can be sure that the main source regulating the activity of the legal service is the Constitution of Uzbekistan. Other legal acts on the legal service are adopted on the basis of and in the implementation of the Constitution of Uzbekistan<sup>23</sup>.

Below we will analyze in detail the chronological order of the development of legislation on the legal service, adopted in the years of independence of Uzbekistan.

### **3. Normative legal acts on the legal service**

Over the past period, based on the principles and provisions of the Constitution of Uzbekistan, a national system of legislation has been established. It has become the legal basis for socio-economic and political development of the country and strengthening its defense capability, effective reforms that are being carried out in all spheres of our life<sup>24</sup>.

In carrying out reforms, the legal services of government bodies and management, as well as economic entities, have a significant role to play. In this regard, after gaining independence, the Uzbekistan adopted a number of laws and by-laws regulating the activities of legal services that determine the rights and duties of their employees, as well as the role and importance of the legal service in ensuring law.

#### **3.1. 1991-2000**

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<sup>21</sup> Constitution of the Republic of Uzbekistan - T.: Uzbekistan. 2018.-C.18.

<sup>22</sup> Constitution of the Republic of Uzbekistan - T.: Uzbekistan. 2018.-C.18.

<sup>23</sup> Kleandrov M.I. Institute of Legal Service in Entrepreneurship: monograph // Norma, Infra-M, 2013, p.31; F. Otakhonov. Constitution and legal framework of the legal service // "The Constitution of the Republic of Uzbekistan: science, education and upbringing of youth" materials of the scientific and practical seminar on the 25th anniversary of the Constitution of the Republic of Uzbekistan. -T.: a branch of the Moscow State University named after MV Lomonosov in Tashkent, 2017.- Volume II, P.104.

<sup>24</sup> Mirziyoyev Sh.M. "Ensuring the Rule of Law and Human Interests - Guaranteeing the Development of the Country and the Well-Being of the People" // Report at the solemn meeting dedicated to the 24th anniversary of the adoption of the Constitution of the Republic of Uzbekistan // People's Word - December 8, 2016

*Decree No. UP-314 of the President of the Republic of Uzbekistan of January 8, 1992 "On the improvement of the activity of the Ministry of Justice of the Republic of Uzbekistan"*<sup>25</sup> was of great importance for the development of legislation on the legal service, since for the first time the Ministry of Justice was tasked with preparing, retraining and organization of attestation of employees of legal services<sup>26</sup>.

*The Cabinet of Ministers under the President of the Republic of Uzbekistan, by regulation No. 523 of November 12, 1992, "On questions of improving the activities of the Ministry of Justice of the Republic of Uzbekistan"*<sup>27</sup> approved the Regulations on the Ministry of Justice. In accordance with the Regulations, provision of methodological assistance to the legal services of ministries, state committees, departments, legal support for foreign economic activities of these bodies, as well as subordinate enterprises, institutions and organizations of the republic was one of the main tasks of the Ministry of Justice. In connection with the adoption of this resolution, the terms of reference of the Ministry of Justice have expanded, in particular, the right to conduct inspections of the status of legal work and the activities of legal services of management bodies and economic entities. The instructions and instructions of the Ministry of Justice on improving the activities of legal services and legal work are mandatory<sup>28</sup>.

The radical transformations in the country's economy, the reform of the management system, with all its acuteness, raised the question of the need to improve legal services, increase their role and responsibility in ensuring the rule of law, and regulating the rights and duties of legal services employees. In this regard, *the Cabinet of Ministers of the Republic of Uzbekistan, by resolution No. 118 of March 2, 1993, approved the Regulations on the Legal Service in the State Administration and Enterprises of the Republic of Uzbekistan*<sup>29</sup>.

This Regulation is the first normative legal act of the independent Uzbekistan, which regulated the legal status of the legal service. The situation consisted of 3 sections, covering 12 points: 1) the procedure for the replacement of the post of employees of the legal service; 2) duties of legal service of management bodies and enterprises; 3) the rights and responsibilities of the legal service. The Regulation determined the rights, duties and responsibilities of the legal service not only of state bodies and organizations, but also of the bodies of economic management and enterprises of all forms of ownership.

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<sup>25</sup> See: Vedomosti of the Supreme Council of the Republic of Uzbekistan, 1992, No. 2, art. 98.

<sup>26</sup> Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.42; Otakhonov F.Kh. Legal service in the Republic of Uzbekistan // Tashkent, "Adolat", 2008, p.26.

<sup>27</sup> See: Collection of Decrees of the Government of the Republic of Uzbekistan, 1992, No. 11, art. 32

<sup>28</sup> Otakhonov F.Kh. On raising the level of legal work in the national economy // J. "Social Sciences in Uzbekistan", 1992. № 2. - P. 12-22; Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.42;

<sup>29</sup> See: Collection of Decrees of the Government of the Republic of Uzbekistan, 1993, No. 3, art. 8.

Lawmaking is the main, the initial part of the mechanism of legal regulation and a very important part of legal work<sup>30</sup>. In this regard, *Article 3 of the Law of the Republic of Uzbekistan of 30 August 1997 "On the preparation of legislative acts in the Republic of Uzbekistan"*<sup>31</sup> refers to the involvement of relevant legal services of the national economy in the preparation of draft laws, which for the first time fixed the participation of the legal service in the preparation of draft laws at the level of Law.

The course of economic reforms carried out in the country showed that the irresponsibility, lack of initiative and the moods of a number of managers of economic entities, violations of contractual obligations by enterprises led them to economic insolvency and bankruptcy. Therefore, in order to strengthen the responsibility of officials of economic entities for the economic insolvency of enterprises and organizations, ensure timely conclusion and proper use of contractual obligations, the President of the Republic of Uzbekistan adopted *Decree No. UP-1938 of 4 March 1998 "On Strengthening the Responsibility of Officials for Economic insolvency of economic entities and fulfillment of contractual obligations"*, and in pursuance of this Decree on April 24, 1998, the Cabinet of Ministers of the Republic of Uzbekistan adopted a resolution number 177<sup>32</sup>. This resolution instructs relevant ministries and agencies to strengthen the role of legal services, strengthen responsibility for the effective functioning of all legislative acts and unconditional enforcement of court decisions. It states that in order to ensure the legal work of the state authorities on the ground in the apparatus of the city and district khokimiyats it is necessary to introduce the positions of a lawyer and make appointments to employees of the legal service in agreement with the Ministry of Justice of the Republic of Karakalpakstan, of the regions of Tashkent, by the orders of the corresponding hokims<sup>33</sup>.

In the conditions of market relations, the agreement is the main legal document establishing economic relations between economic entities<sup>34</sup>. The organization of contractual and legal work in the activities of an economic entity is a complex process, in which almost all structural units participate. The success of a contractual company depends largely on the participation in its organization and the conduct of a legal service<sup>35</sup>. In this regard, the rights and obligations of legal services of economic entities of all forms of ownership in ensuring the legal basis of contractual relations are specifically regulated by the *Law of the Republic of Uzbekistan of August 29, 1998 "On the legal basis for the activities of ho- business*

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<sup>30</sup> Chariyarov U. Legitimacy of the government of the Union Republic. Tashkent. 1991. - P.7.

<sup>31</sup> See: Vedomosti of the Oliy Majlis of the Republic of Uzbekistan, 1997, No. 9, art.237.

<sup>32</sup> See: Collection of Decrees of the Government of the Republic of Uzbekistan, 1998, No. 4, Article 17.

<sup>33</sup> Otakhonov F.Kh. Legal service in the Republic of Uzbekistan // Tashkent, "Adolat", 2008, P.27-28.

<sup>34</sup> Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.75-76.

<sup>35</sup> Chashin A.N. Legal service in the Roi Federation: a textbook. - M.: ZAO ICC "DIS", 2005. - P.78.

*entities*”<sup>36</sup>. In accordance with Article 20 of the Law, the legal service of business entities:

1) controls compliance with the established procedure for concluding, executing, amending and terminating business contracts, as well as the procedure for filing and reviewing claims;

2) conducts work on disputes arising from contractual relations;

3) exercise control over the conduct of mutual inspections of the execution of economic contracts;

4) verify compliance with the requirements of legislation submitted to the head of the economic entity for the draft economic contracts and related other legal documents;

5) in case of finding a discrepancy between the prepared draft contract or any other legal document related to it, the law shall return it for revision with justification of its objection;

6) takes a direct part in the development of proposals for the improvement of contractual relations.

The main form of participation of the legal service in law-making is the legal expertise of drafts of regulatory legal and local acts<sup>37</sup>. In particular, *the Law of the Republic of Uzbekistan of December 14, 2000 “On Regulatory Legal Acts” (new version)*<sup>38</sup> establishes that legal expertise of draft normative legal acts can be carried out by the legal service of the developer or body adopting the normative legal act, as well as by the Ministry of Justice and other organizations in accordance with the law.

Analyzing the above normative legal acts, we can draw the following conclusions. First, the independence and gradual transition of Uzbekistan to a market economy significantly changed the role, importance, functions, methods of activity, forms of leadership and other aspects of the organization of legal work and the activities of the legal service of government authorities and economic entities. Second, the rights, duties and responsibilities of the legal service of the management bodies, as well as enterprises of all forms of ownership, the procedure for the replacement of the post of a legal officer. Third, the Ministry of Justice is entrusted with the tasks of training, retraining and organization of attestation of employees of legal services, as well as extending its powers to provide methodological assistance to the legal services of ministries, state committees, departments and to verify the status of law work and the activities of legal services management bodies and business entities. And finally, at the level of the law, the

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<sup>36</sup> See: Vedomosti of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 9, art.170.

<sup>37</sup> See: L.V. Mas. The management of the legal adviser for enterprises of various forms of ownership. - St. Petersburg: Peter, 2005. - P.63-70; Otakhonov F.Kh. Legal service in the Republic of Uzbekistan // Tashkent, Adolat, 2008, p.79-85; Legal service in the national economy. Saratov University Publishing House. 1976. C.16-20.

<sup>38</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2012, No. 52, art. 583

participation of the legal service in the organization of contractual and legal work and the legal expertise of draft normative legal acts are envisaged.

### 3.2. 2001-2016

In Uzbekistan over these years, a gradual reform carried out based on the Concept of Democratization and Renewal of Society, Reforming and Modernization of the Country<sup>39</sup>. At the same time, the main long-term and strategic task remained, as in the previous stages of Uzbekistan's development, to lead the country firmly, steadily and consistently along the chosen path of democratic construction and the formation of civil society, deepen market reforms and strengthen democratic values in people's minds<sup>40</sup>. Special attention is paid to the following priority tasks and directions: a) in the field of state construction and management, strengthening the role and influence of the legislature; b) to reform and further liberalize the judicial and legal system; c) in the further democratization of the activities of the mass media; d) in the field of foreign policy; e) to deepen market reforms and further liberalize the economy.

With the creation of a bicameral parliament, the legislative power in the Uzbekistan has risen to a new level of its development. And most importantly, the quality of the adopted laws has significantly improved, although the legislative process has become much more complicated. In this regard, the role and responsibility of the legal service has increased and this is fixed in *the Law of the Republic of Uzbekistan of October 11, 2006 No. ZRU-60 "On the procedure for drafting laws and their submission to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan"*<sup>41</sup>, which states that the draft law is subject to compulsory legal expertise. When legal expertise is conducted, the compliance of the norms of the draft law with the Constitution and laws of the Uzbekistan, the rules of legislative machinery, and the reasonableness and appropriateness of applying referential standards are checked. Legal expertise of the draft law can be carried out by the legal service of the subject of the right of legislative initiative, as well as by the Ministry of Justice and other organizations in accordance with the legislation.

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<sup>39</sup> See: Resolution of the President of the Republic of Uzbekistan No. PP-24 of March 10, 2005 "On the Program for Realizing the Goals and Tasks of Democratization and Renewal of Society, Reforming and Modernizing the Country" // Collected Legislation of the Republic of Uzbekistan, 2005, No. 10-11, Art. 71, No. 45, art. 337; Order of the President of the Republic of Uzbekistan No. R-3557 of January 14, 2011 "On Measures for Implementing Priority Areas of the" Concept of Further Deepening of Democratic Reforms and Civil Society Formation in the Country "in the Area of Deepening Democratic Market Reforms and Economic Liberalization" // <http://lex.uz/en/docs/2269325>.

<sup>40</sup> Karimov I.A. Our main goal - democratization and renewal of society, reforming and modernizing the country // <https://nrm.uz/contentf>

<sup>41</sup> See: Vedomosti chambers of the Oliy Majlis of the Republic of Uzbekistan, 2006, No. 10, art. 537

In order to further improving the system of economic management, reducing the power of state structures, and a clearly delineating the functions of the state and economic management, the following main tasks and functions of the republican government bodies are defined:

1) ensuring the practical implementation of laws of the Uzbekistan, decrees of the President of the Republic and other regulatory legal acts, effective control over their implementation;

2) the implementation of foreign and domestic policies, ensuring external and internal security of the state;

3) determining the priorities of the country's strategic development, developing and organizing the implementation of state targeted programs, implementing measures to implement economic reforms;

4) ensuring and protecting the constitutional rights and freedoms of the individual, the rights of the population to education, medical care, social security, labor market regulation, management and coordination of the activities of the national management system in the social sphere;

5) state regulation of the activities of economic entities through the creation of an appropriate legal environment, licensing, certification and standardization;

6) the exercise of fiscal functions through the collection of taxes, customs payments, the distribution of state revenues<sup>42</sup>.

Proceeding from new tasks and functions of state bodies and in order to strengthen legality in their activities, improving the quality of drafting normative and legal acts, strengthening the role and responsibility of the legal service in the conditions of reforming and modernizing the country, *the Cabinet of Ministers adopted on August 24, 2007, No. 182 the Resolution "On measures to further increase the level of legal security of the activities of state and economic authorities, public authorities for a month state enterprises, institutions and organizations"*<sup>43</sup>. This resolution approved the Regulation on the legal service of government bodies and state authorities in the localities and the Provision on the Legal Service of Economic Management Bodies, State Enterprises, Institutions and Organizations<sup>44</sup>.

The regulation set out the requirements for the activities of the legal service of government and local authorities in the field, their rights, duties and responsibilities. In addition, for the first time it provided a legislative concept of legal service. It is defined as an independent structural subdivision or a post created or introduced for the purposes of legal support for the activities of a public

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<sup>42</sup> See: Decree of the President of the Republic of Uzbekistan from December 9, 2003 No. UP-3358 "On improving the system of the republican bodies of state administration" // Vedomosti Oliy Majlis of the Republic of Uzbekistan, 2003, No. 11-12, art. 178;

<sup>43</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2007, No. 35-36, art. 355

<sup>44</sup> Otakhonov F.Kh. Legal service in the Republic of Uzbekistan // Tashkent, "Adolat", 2008, p.30.

authority. Accordingly, the legal service reports directly to the head of the state body.

The legal service can be created in the form of a legal department, a legal office or consist of one staff of the general counsel, a senior legal adviser, a senior legal adviser or a legal adviser. It is not allowed to reduce the existing staff of legal services or redistribute them to other structural subdivisions of the state body.

A person having a higher legal education may work for the position of a legal officer or a legal adviser of a state body, and a person with a higher legal education and at least two years of experience in law practice is appointed to the post of chief of the legal service of a state body. Persons, newly appointed to the post of a legal officer, undergo internship in the established order in the justice bodies.

Employees of the legal service of the regional khokimiyats and Tashkent city are appointed to the position in coordination with the Ministry of Justice and are accountable to the relevant hokim and the Ministry of Justice. Employees of the legal service of district and city khokimiyats are appointed to the position in coordination with the Ministry of Justice of Karakalpakstan, the justice departments of oblasts and the city of Tashkent and are accountable to the corresponding hokim and territorial justice body.

In the state body, the post of assistant legal adviser can be introduced. A person who has a higher or secondary special legal education, as well as a student of the last year of a bachelor's degree or a graduate student of a higher educational institution who studies law, can work as an assistant to a legal adviser. It should be noted that persons recognized as legally incompetent or incapable of legal capacity can not work for the position of a legal officer, an assistant to a legal adviser.

The regulation also defines the following main tasks of the legal service of the state body: a) participation in law-making and law enforcement activities of the state body; b) keeping in accordance with the established requirements a systematic accounting of regulatory legal acts; c) participation in the improvement of the legal culture and legal literacy of the employees of the state body, in communicating to them the essence and significance of the adopted normative legal acts; d) rendering assistance in ensuring legality in the activities of the state body and its units and their officials; e) participation in the conduct of contractual, legal and claim-related work of the state body; f) protection in the courts and other departments of the property and other interests of the public authority<sup>45</sup>.

And to perform the above tasks, specific functions are established. For example, the legal service visits drafts of normative legal acts, in the absence of comments and suggestions. In this case, the projects are vetted by the legal service after other competent structural units (workers) of the state body.

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<sup>45</sup> F. Otakhonov. Development of legislation on the legal service in the Republic of Uzbekistan // "Economics and Law", 2017. №5 - P.79.

Features of the **Regulations on the legal service of economic management bodies, state enterprises, institutions and organizations** are manifested: first, this provision with respect to other economic entities is of a recommendatory nature; secondly, the following tasks of the legal service are absent: a) participation in the law-making and law enforcement activities of the state body; b) keeping in accordance with the established requirements a systematic accounting of regulatory legal acts; c) participation in communicating the essence and significance of the adopted normative and legal acts to the employees of the state body; thirdly, as the main task is defined - the organization of works to ensure the legal means of preserving the property of the enterprise and its structural units; fourthly, when appointing an employee of the legal service of economic management bodies, state enterprises, institutions and organizations, the approval of the candidature with the justice bodies is not required<sup>46</sup>.

**Resolution of the Cabinet of Ministers of November 22, 2007 No. 244<sup>47</sup> approved the Regulations on the procedure for attestation and professional development of legal services employees.** The Regulation determines the procedure for attestation and professional development of employees of legal services of government bodies and state authorities on the ground, bodies of economic management, state enterprises, institutions and organizations (hereinafter - organizations).

Attestation of employees of legal services of organizations conducted with a view to an objective assessment of the level of their professional competence, determining compliance with their qualification requirements established by law, increasing their responsibility for the performance of tasks and functions assigned to them. The professional development of employees of legal services of organizations is carried out with a view to deepening and updating theoretical and practical knowledge in the field of jurisprudence, ensuring the correspondence of their professional training to the tasks and functions performed.

Employees of the legal services of organizations are obliged once every three years to pass attestation respectively in the Ministry of Justice and its territorial bodies. It is prohibited to conduct certification of legal services employees by the organizations in which they work<sup>48</sup>. Persons admitted to the position of a legal officer are subject to attestation within six months from the date of employment. Persons who have entered the work for the first time after completing their higher education institution are subject to attestation no later than three months after the expiration of two years of work in the specialty. Persons admitted to the position of a legal officer and who have been certified for the last three years and who hold a

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<sup>46</sup> F. Otakhonov. Development of legislation on the legal service in the Republic of Uzbekistan // "Economics and Law", 2017. №5 - P.79.

<sup>47</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2007, No. 46-47, art. 472

<sup>48</sup> See: Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of December 7, 2013 No. 323 // SZ RU, 2013, No. 50, art. 650)

certificate of attestation are subject to attestation within two months before the expiration of the validity of this certificate<sup>49</sup>.

Qualifications are not subject to certification: persons who have graduated from higher education institutions and who have entered the work for the first time in their specialty if they have worked in this specialty for less than two years; pregnant women, as well as women with children under the age of three; Persons working for the position of assistant legal adviser.

The duty to send an employee of the legal service to pass attestation within the terms provided by the Regulations is assigned to the head of the organization. Attestation of employees of the legal service of central offices of state and economic management bodies, as well as the Council of Ministers of Karakalpakstan, regional khokimiyats and the city of Tashkent is conducted by the Ministry of Justice of Uzbekistan. Attestation of employees of the legal service of territorial divisions of state administration bodies, district and city khokimiyats, state enterprises, institutions and organizations is carried out by the territorial bodies of justice.

For attestation of employees of the legal service in the Ministry of Justice and its territorial bodies, attestation commissions with at least five members are created. The composition of attestation commissions are approved by the Minister of Justice. The chairman of the attestation commission in the Ministry of Justice is the corresponding deputy minister, and in the territorial bodies of justice - the head of the territorial body of justice. Representatives of law enforcement bodies, scientific and higher educational institutions can be included in the composition of the certification commissions. Attestation commissions of territorial bodies of justice necessarily include an employee of the relevant unit of the central apparatus of the Ministry of Justice.

In addition, the Regulation specifies the procedure for reviewing the documents of applicants, the procedure for attestation, re-registration and issuance of duplicates of certificates of attestation, and the development of skills of legal service employees. Moreover, the Regulations also provide for the organization of accounting and systematization of information on the legal services of organizations and their employees by the Ministry of Justice, as well as the procedure for the formation and maintenance of a database of legal services, the forms and deadlines for submitting information for inclusion in the database.

**In accordance with the Resolution of the President of the Republic of Uzbekistan dated August 23, 2011 No. PP-1602 "On measures to further improve the activities of the Ministry of Justice of the Republic of**

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<sup>49</sup> See: Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 1 May 2017 No. 250 // SZ RU, 2017, No. 18, art. 323.

**Uzbekistan"**<sup>50</sup> on the development of the legal service of state and economic management bodies, state authorities in the field, Justice:

coordinates the legal work in the state and economic management bodies, state authorities in the localities, other state organizations, develops recommendations for its improvement;

within the limits of its competence, takes measures aimed at eliminating the revealed violations of the requirements of legislation regulating the activities of legal services, admitted by employees of legal services and other officials, as well as in bringing the perpetrators to justice as provided by law;

takes part in the appointment of employees of the legal service of state authorities in the field;

gives instructions to legal services of state and economic management bodies, local government bodies and other state organizations concerning legal work;

conducts certification of employees of legal services of state and economic management bodies, state authorities in the field, other state organizations and issues a certificate of attestation;

organizes professional development of legal services and issues a certificate of advanced training;

keeps records of employees of legal services;

determines the procedure for the formation and maintenance of a database of legal services, forms and time limits for submitting information for inclusion in the database.

In order to carry out the tasks and functions assigned to it, the Ministry has the right to check the status of legal work in the state and economic management bodies, state authorities in the localities, other state organizations, as well as the activities of their legal services, require them to provide information about the work, and organizations submissions on the elimination of identified deficiencies, binding for execution in a timely manner, apply to higher authorities or the court with the issue of prosecuting officials for violation of legislation or compensation for material damage caused to them by the state or organization; to terminate the certificate of attestation of an employee of the legal service in accordance with the law<sup>51</sup>.

In the development of legislation on the legal service in recent years, a certain role-played by **regulatory legal acts of the Ministry of Justice**<sup>52</sup>. They more

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<sup>50</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2012, No. 29, art. 329

<sup>51</sup> F. Otakhonov. Development of legislation on legal service in the Republic of Uzbekistan // "Economics and Law", 2017. №6 - P.72-73.

<sup>52</sup> See: "Regulations on the procedure for the formation and maintenance of a database of legal services, the establishment of forms and deadlines for submitting information for inclusion in the database," approved by order of the Minister of Justice of the Republic of Uzbekistan of November 30, 2011 No. 255-mx // Collection of legislation of the Republic of Uzbekistan, 2011, No. 48, art. 477; "Rules for the conduct of systematic accounting of legislation in public administration and local government bodies", approved by the order of the Minister of Justice of the Republic of Uzbekistan of February 14, 2012 No. 39-mx // Collection of Legislation of the Republic of Uzbekistan,

specifically define the mechanism for the implementation of the task, functions, rights and duties of legal services of state and economic management bodies, state authorities in the field and other state organizations, as well as the tasks and rights of the judicial authorities to implement the management of the legal service.

In general, even a brief and superficial analysis of the contents of regulatory legal acts on the legal service for this period allows us to draw the following conclusions:

➤ the participation of the legal service in the legal expertise of draft laws is specifically provided for in the law;

➤ instead of the Regulation on the legal service in the government and enterprises of all forms of ownership, two provisions were adopted: the Statute on the Legal Service of State Administration Bodies and Local Government Bodies and the Provision on Legal Service of Economic Management Bodies, State Enterprises, Institutions and Organizations that is in keeping with the spirit of the country with a market economy, and in any state intervention - through subordinate regulation of these issues - does not need<sup>53</sup> i.e. the provisions of the second provision on the legal service for business entities are not mandatory, but recommendatory;

➤ for the first time, the Government approved a special Regulation on the procedure for attestation and professional development of legal services, detailing the procedure for considering applications of people subject to certification and

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2012, No. 7, art. 72; "General Legal Classifier of the Legislation of the Republic of Uzbekistan" approved by the Order of the Minister of Justice of the Republic of Uzbekistan of 12 March 2012 No. 53-mx // Collection of Legislation of the Republic of Uzbekistan, 2012, No. 8-9, art. 98; "Methodical instructions on the procedure for preparation, legal and technical design and legal expertise of draft normative and legal acts introduced by state and economic management bodies, local government bodies in the Cabinet of Ministers of the Republic of Uzbekistan" approved by the order of the Minister of Justice of the Republic of Uzbekistan on April 9, 2012 year № 83-mx // Collection of the legislation of the Republic of Uzbekistan, 2012, No. 15, art.173; "Instruction on the procedure for preparation, legal and technical design and legal expertise of draft normative legal acts adopted by public authorities in the field", approved by the order of the Minister of Justice of the Republic of Uzbekistan dated February 1, 2013 No. 29-mx // Collection of legislation of the Republic of Uzbekistan, 4 February 2013, No. 5, art. 65; "Regulations on the order of coordination with the justice bodies of candidates recommended for the post of an employee of the legal service of state authorities in the field" approved by the order of the Minister of Justice of the Republic of Uzbekistan of February 28, 2014 No. 50-mx // Collection of legislation of the Republic of Uzbekistan, February 24, 2014, №9, art. 100; "Regulations on the procedure for submitting a report to the justice bodies on the work done by employees of the legal service of state authorities in the field", approved by the order of the Minister of Justice of the Republic of Uzbekistan of February 28, 2014 No. 51-mx // Collection of Legislation of the Republic of Uzbekistan, February 24, 2014, No. 9, art. 101; "Rules for the preparation and adoption of departmental regulations" approved by Order No. 53-mx of the Minister of Justice of the Republic of Uzbekistan of February 28, 2014 // Collected Legislation of the Republic of Uzbekistan, March 10, 2014, No. 10, art. 110; "Regulations on the internship of employees of legal services of state and economic management bodies, state bodies in the field and other state organizations in the justice bodies", approved by the order of the Minister of Justice of the Republic of Uzbekistan dated August 6, 2015 No. 262-mx // Collection of Legislation of the Republic of Uzbekistan, August 10, 2015, No. 31, art. 424; "Methodology for carrying out anti-corruption expertise of draft normative legal acts", approved by Order of the Minister of Justice of the Republic of Uzbekistan of December 25, 2015 No. 384-mx // Collection of Legislation of the Republic of Uzbekistan, December 28, 2015, No. 51, art. 644;

<sup>53</sup> Kleandrov M.I. Institute of Legal Service in Entrepreneurship: monograph // Norma, Infra-M, 2013, p.30-31.

certification, re-registration and issuance of duplicates of certificates of attestation, legal services by the justice authorities;

➤ The functions of the Ministry of Justice to verify and analyze the practice of legal work, to improve the qualifications of legal advisers, to conduct their certification in the legal services of business entities are excluded;

➤ and the functions of the Ministry of Justice for the development of the legal service of state and economic management bodies, state authorities in the field, and other state organizations, on the contrary, are expanded in the sphere of participation in the appointment of employees of the legal service of state authorities in the field; giving instructions to legal services concerning legal work; the certification of employees of legal services and the issuance of a certificate of attestation; the organization of raising the level of professional skill of employees of legal services with the issuance of a certificate; keeping records of employees of legal services; determine the procedure for the formation and maintenance of a database of legal services;

➤ Based on the tasks and functions of the development of the legal service of the state and economic management bodies, local government bodies and other state organizations, the Ministry of Justice adopted more than ten legal acts (regulations, instructions, rules, guidelines) relating to the activities of the legal service;

➤ The quantitative composition of the legal services of government bodies, their structure, the names of the divisions are determined by the decisions of the President or the Government, and their powers (within their own powers), determination of the size and forms of remuneration of labor and other factors are determined directly by the heads of ministries and departments themselves.

Thus, during this period of legislative and executive power, including the Ministry of Justice, great attention paid to the development of legislation on the legal service, legal work and coordination of the activities of legal services of state bodies and organizations<sup>54</sup>.

### **3.3 After 2017**

During the years of independence, comprehensive measures were implemented in the country aimed at building a legal democratic state, a strong civil society, developing the economy based on free market relations and the priority of private property, creating conditions for the peaceful and prosperous life of the people, and finding Uzbekistan a worthy place in the international arena.

At the same time, a comprehensive analysis of the past stage of the country's development, the changing conjuncture of the world economy in the context of

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<sup>54</sup> Otakhonov F.Kh. Legal service in the Republic of Uzbekistan // Tashkent, Adolat, 2008, p.31.

globalization and the growing competition call for the development and implementation of radically new ideas and principles for further sustainable and advanced development of the country<sup>55</sup>.

In order to radically improve the effectiveness of the reforms, create conditions for ensuring comprehensive and accelerated development of the state and society, implement priority areas for the modernization of the country and liberalize all spheres of life, the Strategy of Action has been adopted in five priority development directions of Uzbekistan in 2017-2021.

In this Strategy, improvement of state and public construction, ensuring the rule of law and reforming the judicial and legal system, further development of the economy and social sphere, ensuring security, interethnic harmony and religious tolerance are defined as the main directions, continuing a deeply thought out foreign policy based on the principles of constructive dialogue and mutually beneficial cooperation.

In the implementation of reforms, the legal services of government bodies and management are given a significant role.

Increasing the effectiveness of the legal services of state bodies is envisaged as one of the tasks for the priority direction of the country's development in paragraph 2.6 "Improving the system of rendering legal assistance and services" in section II "Priority directions for ensuring the rule of law and further reforming the judicial and legal system" of the Strategy of Action for Five priority directions of the development of Uzbekistan in 2017-2021, approved by the Decree of the President of Uzbekistan of February 7, 2017 No. U -4947<sup>56</sup>.

In this regard, a number of normative and legal acts regulating the activities of legal services, defining the rights and duties of their employees, as well as the role and importance of the legal service in securing legality adopted<sup>57</sup>.

M.Ikramov noted that "President of our country Shavkat Mirziyoyev sets before us specific tasks to ensure the rule of law. The legal service is an important link in the system for implementing this principle, in connection with which the need arose to improve the sphere."<sup>58</sup>

In this direction, the adoption of the **Decree of the President of the Republic of Uzbekistan on 19 January 2017 No. PP-2733 "On measures to radically improve the activities of the legal service"**<sup>59</sup> is an important step in improving

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<sup>55</sup> Commentary to the Decree of the President of the Republic of Uzbekistan "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan" Collection of Legislation of the Republic of Uzbekistan, 2017, No. 6, art. 70, No. 20, art. 354, No. 23, art. 448, No. 29, art. 683, art. 685, No. 34, art. 874, No. 37, art. 982; National Legislation Database, 16.10.2017, No. 06/17/5204/0114, 31/07/2018, No. 06/18/5483/1594)

<sup>56</sup> See: Collection of Legislation of the Republic of Uzbekistan, February 13, 2017, No. 6, art. 70

<sup>57</sup> F. Otakhonov. Priority directions of ensuring the rule of law and legal service // Tashkent. branch of the Moscow State University, 2017.-T.4, p. 61.

<sup>58</sup> M.Ikramov. A new stage in the development of the legal service / <http://www.uza.uz/ru/society/novyy-etap-razvitiya-yuridicheskoy-sluzhby-03-02-2017>

<sup>59</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2017, No. 4, art. 50.

and improving the effectiveness of the legal service in state bodies and organizations.

With a view to further strengthening the rule of law in the activities of state bodies and organizations, the progressive strengthening of the role and responsibility of the legal service in carrying out democratic and legal reforms, the decree defines the most important areas of activity of legal services, such as: (a) organization of ensuring the rule of law and legality in law enforcement activities of state bodies and organizations; b) monitoring compliance with the legislation of draft regulatory legal acts and other documents developed (adopted) by state bodies and organizations; c) participation in the normative activities of state bodies and organizations, coordination of the work of their units in the preparation of proposals for improving legislation; d) participation in raising the legal culture and legal literacy of employees of state bodies and organizations, bringing to them the essence and significance of the adopted regulatory and legal acts, including the use of modern information and communication technologies; e) conducting contractual and legal claims and lawsuits, ensuring reliable protection of property and other interests of state bodies and organizations<sup>60</sup>.

The Resolution establishes that: 1) in the state bodies and organizations, including their territorial subdivisions, legal services are compulsorily formed in accordance with the minimum standards and criteria approved by the Cabinet of Ministers of Uzbekistan. At the same time, there is no reduction in the available staffing units of the legal service; 2) on the employees of legal services of state bodies and organizations, the procedure for assigning class ranks, payment of bonuses for length of service established for employees of justice bodies; 3) the length of service as a legal officer in transferring to other state bodies, including law enforcement and control structures, is included in the work experience for the calculation and payment of mark-ups and seniority allowances; 4) state bodies and organizations are prohibited from assigning to the legal service and its employees functions not provided for by law; 5) employees of the legal service of state bodies and organizations who have three years of experience in this specialty have the right to participate in the qualifying examination as applicants for obtaining a license to practice law practice without passing an appropriate internship; 6) the improvement of professional skill of employees of legal services of state bodies and organizations is carried out not less than once in three years; 7) employees of legal services of state bodies and organizations are certified once every three years in the Ministry of Justice of Uzbekistan and its territorial bodies, respectively; 8) legal services of state bodies and organizations organize the implementation on a systematic basis of anti-corruption expertise of draft normative and legal acts on the relevant field of activity of state bodies and organizations; 9) state bodies and

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<sup>60</sup> F. Otakhonov. Development of legislation on legal service in the Republic of Uzbekistan // "Economics and Law", 2017. №6 - P.74-75.

organizations have the right to engage lawyers in the activities of legal services on a contractual and legal basis.

The following procedure has been established in accordance with which: by legal services of state bodies and organizations, measures are taken to resolve pre-judicial disputes arising with the participation of these bodies and organizations; projects of orders, orders, contracts and other documents of a legal nature are obligatory submitted to the legal service for the implementation of legal expertise; on decisions of state bodies and organizations affecting the implementation of the rights and freedoms of individuals and legal entities, it is necessary to obtain an opinion of the legal service; Complaints against decisions of state bodies and organizations, actions or inactions of their officials are necessarily considered also by the legal service of state bodies and organizations; the appointment and dismissal of employees of the legal service of state bodies and organizations are compulsorily agreed with the justice authorities; the justice bodies have the right to initiate the issue of instituting disciplinary proceedings against employees of legal services and heads of state bodies and organizations that have violated the requirements of legislation regulating the activities of legal services; in state bodies and organizations, a report of legal services on the state of ensuring the rule of law and legality in the activities of these bodies and organizations is annually heard; employees of the legal service are awarded on a quarterly basis in the amount of 5 percent of the amount collected in the course of pre-trial and judicial settlement of disputes in favor of the state body and organization, but not more than 50 times the minimum wage.

"Important aspects of the decree are the enhancement of the status of the legal service, the strengthening of the social protection of its employees, the expansion of the scope of tasks to ensure the rule of law, the growth of responsibility<sup>61</sup>." This Resolution approved: "Regulations on the legal service of state bodies and organizations<sup>62</sup>" and "Regulations on class ranks of employees of legal services of state bodies and organizations"<sup>63</sup>.

State bodies and organizations for the purposes of these provisions are understood as state bodies (ie ministries, state committees, state inspectorates, agencies, committees, central institutions); state authorities in the regions (khokimiyats of regions, districts and cities, Tashkent city and districts, etc); bodies of economic management (joint-stock companies and banks, associations and other associations established by the Cabinet of Ministers of the Republic of Uzbekistan), state enterprises, institutions and organizations.

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<sup>61</sup> M.Ikramov. A new stage of development of the legal service / [http://www.uza.uz/ru/society/novyy -etap-razvitiya-yuridicheskoy-sluzhby-03-02-2017](http://www.uza.uz/ru/society/novyy-etap-razvitiya-yuridicheskoy-sluzhby-03-02-2017)

<sup>62</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2017, No. 4, art. 50.

<sup>63</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2017, No. 4, art. 50.

The provision on the legal service of state bodies and organizations determines: a) the concept and forms of the creation of the legal service, the requirements for the replacement of the posts of the chief and the legal officer (legal adviser) and the assistant to the legal adviser, the obligatory coordination by the justice bodies of the appointment and dismissal of the legal officer ; b) the main activities and functions of the legal service; c) the rights, duties and responsibilities of the legal service; d) the procedure for exercising control over the observance of the provisions of the Regulations by the judicial authorities.

The concept of the legal service is broadened in comparison with the norm of the previous provision and it is defined as follows: "The legal service is an independent structural subdivision or a position created or introduced without fail for the purposes of legal support of the activity of a state body and organization in accordance with with standards and criteria, certain legislation"<sup>64</sup>.

### **3.4 The Ministry of Justice as the main coordinator**

In the process of building a legal democratic state and a fair civil society, an essential role is assigned to judicial authorities and institutions that are called upon to implement, first and foremost, a unified state legal policy, including through the qualitative organization of law-making activities, the formation of consistent and uniform law enforcement practice, ensuring effective protection of rights and human freedoms, as well as the introduction of an integrated system for improving the legal culture of the population.

The recently implemented measures have made it possible to increase the role and responsibility of justice bodies and institutions in the system of public authorities and administration, especially on legal support for the activities of state bodies and organizations, the coordination of their legal services, the dissemination of legal information, and improving the quality of public services<sup>65</sup>.

**The Decree of the President of the Republic of Uzbekistan No. PP-3666 "On Organizational Measures for Further Improvement of the Activity of the Ministry of Justice of the Republic of Uzbekistan"<sup>66</sup> dated April 13, 2018 "Coordination, control and methodological support of the activities of legal services of state bodies and organizations" is defined as one of the main tasks of the Ministry of Justice .**

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<sup>64</sup> F. Otakhonov. Development of legislation on legal service in the Republic of Uzbekistan // "Economics and Law", 2017. №6 - P.76-77.

<sup>65</sup> Decree No. UP-5415 of the President of the Republic of Uzbekistan of April 13, 2018 "On Measures for the Basic Improvement of the Activity of Justice Bodies and Institutions in the Implementation of State Legal Policy" // National Legislation Database, 04.04.2018, No. 06/18/5415 / 1072.

<sup>66</sup> Decree of the President of the Republic of Uzbekistan No. PP-3666 of April 13, 2018 "On organizational measures to further improve the activities of the Ministry of Justice of the Republic of Uzbekistan" // National Legislation Database, 14.04.2018, No. 07/18/3666/1073, 11.07. 2018, No. 06/18/5475/1489

The Ministry of Justice, in accordance with the tasks assigned to it, performs the following functions: 1) coordinates and monitors the activities of legal services of state bodies and organizations; 2) study the activities of legal services of state bodies and organizations, the status of their legal work; 3) take measures to eliminate the revealed violations of the requirements of the legislation regulating the activities of legal services of state bodies and organizations, as well as to bring the perpetrators to justice as provided by law; 4) takes part in the appointment and dismissal of employees of legal services of state bodies and organizations; 5) gives legal services of state bodies and organizations instructions concerning legal work; 6) organizes training of employees of legal services of state bodies and organizations; 7) determine the procedure for attestation of employees of legal services of state bodies and organizations, issue a certificate of attestation; 8) keep records of employees of legal services of state bodies and organizations; 9) determine the procedure for the formation and maintenance of a database of legal services of state bodies and organizations, the forms and deadlines for submitting information for inclusion in the database<sup>67</sup>; 10) determine the procedure for coordinating with the justice authorities the issue of appointing and dismissing employees of legal services of state bodies and organizations<sup>68</sup>; 11) determine the procedure for the employees of legal services of state bodies and organizations to conduct internships in the justice bodies<sup>69</sup>; 12) organize internships for persons first appointed to the position of an employee of legal services of state bodies and organizations; 13) provides methodological support for the activities of legal services of state bodies and organizations<sup>70</sup>; 14) develops and approves minimum

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<sup>67</sup> See: Regulations on the procedure for the formation and maintenance of a database of legal services of state bodies and organizations, approved by Order No. 39-mx of the Minister of Justice of the Republic of Uzbekistan of February 28, 2017 // Collected Legislation of the Republic of Uzbekistan, 2017, No. 9, art.137 ; National database of legislation, May 26, 2013, No. 10/18 / 2861-1 / 1278.

<sup>68</sup> See: Regulations on the procedure for approving the issues of appointment and dismissal of a legal service employee approved by the order of the Minister of Justice of the Republic of Uzbekistan of February 28, 2017 No. 42-mx // Collection of Legislation of the Republic of Uzbekistan, 2017, No. 9, art. 140; National database of legislation, 10.01.2018, No. 10/18 / 2864-1 / 0539.

<sup>69</sup> See: Regulations on the procedure for internships for persons first appointed to the position of an employee of the legal service of state bodies and organizations in the justice bodies, approved by Order of the Minister of Justice of the Republic of Uzbekistan of February 28, 2017 No. 40-mx // Collection of Legislation of the Republic of Uzbekistan, 2017. ., No. 9, art. 138; The national database of legislation, May 26, 2018, No. 10/18 / 2862-1 / 1275.

<sup>70</sup> See: Methodological manual on the procedure of preparation, legal and technical registration and examination of draft normative legal acts adopted by state authorities on the ground; Methodical manual on codification of legislative acts in legal services of state bodies, economic management bodies, state enterprises, institutions and organizations; Draft report of the legal service to the leadership of state bodies, economic management bodies, state enterprises, institutions and organizations on the state of ensuring the rule of law and the rule of law in the activities of the organization; Samples of documents in the sphere of labor relations; Samples in the field of contracts and pretentious-legal relations developed by the Coordination Office of Legal Services of the Ministry of Justice in 2017 // <http://www.minjust.uz/en/activity/coordination/89442/>

requirements for material and technical equipment of the workplace for employees of legal services of state bodies and organizations<sup>71</sup>.

The Ministry of Justice has the right, in order to carry out the tasks and functions entrusted to it: (a) to conduct inspections in state bodies and organizations of the state of norm-setting activities, legal work, activities of legal services, publication and bringing to the attention of interested persons of normative legal acts; b) to make mandatory for submission to the ministries, state committees, departments, law enforcement and regulatory authorities, bodies of local authorities and other organizations on the prevention of violations of legislation in the sphere of activity of the legal services of state bodies and organizations, to eliminate the causes and conditions that contribute to them ; c) terminate the certificate of attestation of the employee of the legal service.

To fulfill these tasks and functions, the Department for Coordination of Legal Services established in the structure of the Ministry of Justice, and the relevant departments are located in the Ministry of Justice of the Republic of Karakalpakstan, regional justice departments and Tashkent.

For the first time in the history of the country, the Regulations on class ranks of employees of legal services of state bodies and organizations set the procedure for awarding special ranks - class ranks to employees of legal services of state bodies, economic management bodies, state enterprises, institutions and organizations<sup>72</sup>.

Special ranks of employees of legal services of state bodies and organizations consist of the following class ranks: State Counselor of Justice 2 classes; State Counselor of Justice of the 3rd class; Counselor of Justice 1 class; Counselor of Justice 2 classes; Counselor of Justice of the 3rd class; The lawyer of 1 class; Lawyer 2 classes; The lawyer of 3 classes. Terms of stay in each class rank are: for lawyers 3, 2, 1 classes - 2.5 years; for the advisors of justice 3, 2, 1 classes - 4 years. The term of stay in the ranks of the state adviser of justice 2 and 3 classes is not established<sup>73</sup>.

The class rank of the state adviser of justice: a) of the 2nd class is appropriated by the President of Uzbekistan: the first deputy of the State Adviser of the President of Uzbekistan - to the head of the Legal Service of the Office of the President of Uzbekistan on the recommendation of the head of the relevant structural unit of the Office of the President of Uzbekistan; Deputy Governor of the Cabinet of Ministers of Uzbekistan on issues of legal expertise on the recommendation of the Governor of the Cabinet of Ministers of Uzbekistan, agreed

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<sup>71</sup> The minimum requirements for the material and technical equipment of the legal service employee's workplace, approved by the order of the Minister of Justice of the Republic of Uzbekistan of February 28, 2017 No. 41-mx // Collection of Legislation of the Republic of Uzbekistan, 2017, No. 9, art.139.

<sup>72</sup> F. Otakhonov. Development of legislation on legal service in the Republic of Uzbekistan // "Economics and Law", 2017. №6 - P.76.

<sup>73</sup> See: Collection of Legislation of the Republic of Uzbekistan, 2017, No. 4, art. 50.

with the Prime Minister of Uzbekistan; b) 3 classes are awarded by the President of the Republic of Uzbekistan: the heads of legal services of the Legislative Chamber and the Senate of the Oliy Majlis of Uzbekistan on the recommendation of the head of the apparatus of the Legislative Chamber and the Senate of the Oliy Majlis of the Uzbekistan coordinated with the Speaker of the Legislative Chamber and the Chairman of the Senate of the Oliy Majlis of the Uzbekistan; head of legal expertise, international treaties and the development of external relations of the Cabinet of Ministers of the Uzbekistan, the authorized representative of the Cabinet of Ministers of the Uzbekistan Oliy Majlis of the Republic of Uzbekistan on the recommendation of the Management of the Cabinet of Ministers agreed with the Prime Minister of the Uzbekistan<sup>74</sup>.

Classes of the adviser of justice of 3, 2, 1 classes, and also the lawyer of 3, 2, 1 classes are appropriated by the Minister of Justice of the Republic of Uzbekistan on recommendations of heads of state bodies and organizations of the republican level, and also on his own initiative.

Class ranks to employees of the legal services of state bodies and organizations are assigned in sequential order with a positive certification, in accordance with the qualifications and work experience, taking into account the position, special rank assigned to the former place of work or service, as well as achievements in the field of rule of law, increase of legal awareness and legal culture of the population. The Minister of Justice of the Uzbekistan has the right to confer class ranks: a) before the expiration of the established term of service in the previous class for special differences in work or for an approximate performance of official duty; b) without observing the order of priority, but not more than two class ranks higher than that in which the employee is included in the nomination for the higher office; c) for one class rank lower than the stipulated position, the first time certified employees.

Persons who do not have experience in the relevant qualifications, class rank is assigned not earlier than 1 year after the appointment to the post. Employees of legal services of state bodies and organizations who have served a fixed term in one class class, but who have significant shortcomings in official activity or behavior, are not appropriately assigned to another class rank.

Employees of legal services of state bodies and organizations that have been given class ranks are for life and can only be deprived of them if they are dismissed for actions incompatible with work. For gross violation of official duty, committing a defamatory offense or systematic improper performance of official duties, employees of legal services of state bodies and organizations may be reduced in rank, but not more than two class ranks below that which they have.

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<sup>74</sup> Decree of the President of the Republic of Uzbekistan of January 18, 2018 No. UP-5306 // National Database of Legislation, 01/19/2018, No. 06/18/5306/0593)

Deprivation or demotion of class rank is carried out by the relevant officials who have the right to assign a class rank<sup>75</sup>.

Employees of legal services of state bodies and organizations that have class ranks are paid surcharges in amounts determined by the Cabinet of Ministers of the Uzbekistan.

The procedure for attesting to class ranks of employees of legal services of state bodies and organizations is determined by the decision of the Board of the Ministry of Justice of the Uzbekistan of August 25, 2017 No. 11/17<sup>76</sup>.

The coverage of the summary and essence of the normative legal acts on the legal service, taken in the conditions of a radical increase in the effectiveness of the ongoing reforms, the creation of conditions for ensuring comprehensive and accelerated development of the state and society, the implementation of priority directions for the modernization of the country and the liberalization of all spheres of life allow us to formulate some conclusions:

➤ over the past time the country has implemented a set of measures to ensure the rule of law and the rule of law in the activities of state bodies and organizations, where a significant role was played by the legal services of these bodies that carry out normative, contractual and claim-related work;

➤ In connection with the establishment of the norm on compulsory formation of legal services in all state bodies and organizations, legal services were established in the form of a legal department, a legal department, a legal department, a legal bureau, respectively, or the post of general counsel, senior legal adviser, senior legal adviser or legal advisor<sup>77</sup>;

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<sup>75</sup> See: Regulations on the procedure for issuing class officials to employees of legal services of state bodies and organizations, approved by Order of the Minister of Justice of the Republic of Uzbekistan of August 28, 2017 No. 265-mx // Collection of Legislation of the Republic of Uzbekistan, 2017, No. 35, Art.934; The national database of legislation, December 22, 2017, No. 10/17 / 2920-1 / 0441; 13.02.2018, No. 10/18 / 2920-2 / 0694, 09.03.2018, No. 10/18 / 2920-3 / 0876.

<sup>76</sup> See: Regulations on the procedure for attesting to class ranks of employees of legal services of state bodies and organizations, approved by the order of the Minister of Justice of the Republic of Uzbekistan of August 28, 2017 No. 264-mx // Collected Legislation of the Republic of Uzbekistan, 2017, No. 35, art. 933; National database of legislation, 13.02.2018, No. 10/18 / 2919-1 / 0693.

<sup>77</sup> See: for example, the Treaty and Legal Department (14 people) of the Ministry of Foreign Affairs of the Republic of Uzbekistan // National Legislation Database, 06/04/2018, No. 07/18/3654/1024; Legal Department (5 people) of the Ministry of Agriculture of the Republic of Uzbekistan // National Legislation Database, 18.04.2018, No. 07/18/3671/1085); Legal Department (4 people) of the Ministry of Water Resources of the Republic of Uzbekistan // National Database of Legislation, 18.04.2018, No. 07/18/3672/1086, June 20, 2013, No. 07/18/3789/1373, 01.08. 2018, No. 06/18/5497/1604; Legal Department (2 people) of the Agency for the Development of Nuclear Energy under the Cabinet of Ministers of the Republic of Uzbekistan // National Legislation Database, 07/20/2018, No. 07/18/3870/1545; Legal Department (4 people) of the State Tax Committee of the Republic of Uzbekistan // (National Database of Legislation, June 27, 2013, No. 07/18/3802/1402); Legal Department (3 people) of the State Customs Committee of the Republic of Uzbekistan // National Legislation Database, 13.04.2018, No. 07/18/3665/1071; Legal Bureau (2 people) of the Ministry of Construction of the Republic of Uzbekistan // National Legislation Database, 02/04/2018, No. 07/18/3646/0981; Chief Legal Adviser of the Committee on Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan // National Legislation Database, 18.04.2018, No. 07/18/3668/1080; Legal Adviser, University of World Economy and Diplomacy // National Database of Legislation, June 22, 2013, No. 07/18/3795/1453.

➤ Legislative measures have been taken to increase the level of material security for legal services employees, award them class officers, to pay bonuses for seniority, which helped attract qualified specialists with higher legal education and practical experience to this sphere. For example, the number of full-time employees of legal services in state bodies and organizations grew: in 2016, there were 3362, and in 2017 it was already 4753<sup>78</sup>;

➤ The Ministry of Justice is defined as a specially authorized body for coordination and methodological support of the activities of legal services, attestation and professional development of their employees, which creates a mechanism for carrying out the functions assigned to it in this sphere by adopting appropriate regulatory and legal acts, services. For example, if in 2016 377 legal advisers were upgraded, then in 2017 - 527; 367 legal advisers were certified in 2016, and in 2017 - 521<sup>79</sup>.

#### 4. Other problems and solutions

According to the State Statistics Committee in Uzbekistan, the number of registered legal entities (excluding farmer and dehqan farms) as of January 1, 2017 was 285 300, of which 57.0 percent are limited liability companies, 33.2 percent are private enterprises, 3, 9 percent - family enterprises, 1.1 percent - unitary enterprises, 0.3 percent - joint-stock companies and 4.5 percent - enterprises of other organizational and legal forms<sup>80</sup>. In general, the figures are significant. And the main thing is that all these business entities constantly, seasonally, periodically or one-time need legal assistance, legal services, legal support for their activities, which are performed by full-time legal advisors; legal advisers, on the basis of contractual agreements; advocacy. The total number of legal advisors in the field of entrepreneurship is several thousand people (more precisely, it was not established).

Today, in all countries with market economies, including in Uzbekistan, the main goal of any business entity is profit-making; accordingly, the task of their legal service to the maximum extent to facilitate legal means to achieve this main goal. In this regard, the legal service should: 1) ensure legal compliance in the activities of business entities of law and order; 2) to ensure the achievement by legal means of the main objective of any business entities - the maximum extraction of profit<sup>81</sup>.

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<sup>78</sup> See: Infographics of the Ministry of Justice // <http://www.minjust.uz/en/activity/coordination/89445/>

<sup>79</sup> See: Infographics of the Ministry of Justice // <http://www.minjust.uz/en/activity/coordination/89445/>

<sup>80</sup> See: Demography of Enterprises and Organizations // <https://stat.uz/en/press-tsentr/analiticheskie-stati/433-analiticheskie-materialy-ru/2053-demografiya-predpriyatij-i-organizatsij>

<sup>81</sup> Kleandrov M.I. "Institute of Legal Service in Entrepreneurship: monograph" // "Norma", "Infra-M", 2013, p.113.

The solution of the task of ensuring legality in the activities of business entities is not only an exclusively private issue for the business entities themselves, their legal services, but also a state-significant problem. In a certain way, it relies on the problem of the need for state influence on the market economy<sup>82</sup>. And without its principled solution, it is hardly to expect the development of the institution of legal service in business.

During the years of independence of Uzbekistan, many normative and legal acts regulating the organization and activities of the legal service in the bodies of state power and administration, economic management, state enterprises, institutions and organizations adopted<sup>83</sup>. However, after 2007, the legal regulation of the activities of legal services of business entities remained without due attention. True, certain segments of the legal service of business entities relating to the organization of legal support for contractual relations fall within the scope of the Law of the Republic of Uzbekistan "On the legal basis for the activities of economic entities"<sup>84</sup>, but no more.

The analysis of published materials on the practice of legal services of various business entities allows us to conclude that the quantitative composition of legal services, their structure, the names of divisions, empowering them, determining the size and forms of labor remuneration and other factors are determined directly by the heads (management bodies) themselves subjects of entrepreneurship, based on their own ideas about the need for these decisions<sup>85</sup>.

Thus, it can be concluded that the main current legal regulator of public relations in the sphere of organization and functioning of the legal service in business entities are immediate local acts.

This is clearly an abnormal situation, since it is not clear whether the institution of legal service in business entities today is a public or private phenomenon<sup>86</sup>. The absence of a single normative legal act that defines the main tasks, rights, responsibilities, responsibilities, activities, organizational forms and other parameters of the legal service in the field of entrepreneurship means not only a complete absence of official immunity of a legal service employee, but also a lack of guidance in the adoption of diverse and numerous business entities of

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<sup>82</sup> See, for example: Belykh VS Modernization of the Russian economy and business legislation: issues of theory and practice. Ekaterinburg, 2011; Andreev VK Business legislation of Russia: Hayч. essays. M., 2008; Shishkin S.N. Business-legal (economic and legal) bases of state regulation of the economy. M., 2011.

<sup>83</sup> See: F. Otakhonov. Development of legislation on the legal service in the Republic of Uzbekistan // "Economics and Law", 2017. № 5. P.74-79, №6 - P.71-77.

<sup>84</sup> See: Vedomosti of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 9, art.170.

<sup>85</sup> Mas L.V. The management of the legal adviser for enterprises of various forms of ownership. - St. Petersburg: Peter, 2005. - P.10-45; Aizin SM, Tikhomirov M.Yu. Legal service in the enterprise: a desk book of the legal adviser. - M.: 2001.- C.7-12; Chashin A.N. Legal service in the Russian Federation: a textbook. - M.: ZAO ICC "DIS", 2005. - P.96-106; Otakhonov F.Kh. Legal service in the Republic of Uzbekistan // Tashkent, "Adolat", 2008, P.48-76.

<sup>86</sup> Kleandrov M.I. "Institute of Legal Service in Entrepreneurship: monograph" // "Norma", "Infra-M", 2013, p.36.

relevant decisions on the legal provision of activities, organized and conducted at their own risk. Such a guide is urgently needed, and it is better if it is adopted in the form of a law on legal service<sup>87</sup>.

## 5. Conclusion

Chronological study and analysis of regulatory legal acts on the legal service in Uzbekistan allows making a number of theoretical and practical conclusions about the activities of legal services of state bodies and organizations.

First, in Uzbekistan, special attention is paid to the development of legislation on the legal services and radical improvement of the activities of the legal service, raising the status and responsibility of legal services, their moral and material incentives, strengthening the role and responsibility of the justice bodies in coordinating the activities of legal services and methodical leadership of it. Thus, the effectiveness of the activities of the legal service of state bodies, economic management bodies, state enterprises, institutions and organizations is increasing.

Second, the legal service of the state body (ministries, state committees, departments) and economic management (associations, companies, associations), state enterprises, institutions and organizations plays an essential role in organizing the supremacy of law and legality not only in the central (executive) apparatus, but also in the system of the relevant industry, in monitoring compliance with the legislation of draft normative and legal and other documents, in organizing, coordinating the work of the pod in the preparation of proposals for improving legislation; in raising the legal culture and legal literacy of workers; in the conduct of contractual and legal claims and lawsuits, ensuring reliable protection of property and other interests of the state body and organization, and coordinates the activities of the legal services of the units, ensures coordinated interaction and provides methodological assistance in the legal work of the units that are part of the state body's system, develops recommendations and directions on the activities of the legal service, which is provided by the current Regulations<sup>88</sup>.

Third, the majority of legal positions - a judge, a prosecutor, an investigator, a lawyer - in their status expression have a certain, sometimes considerable official or official immunity<sup>89</sup>. Empowering the state with such

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<sup>87</sup> Otakhonov F.Kh. Problems of the legal service of government bodies of the Republic of Uzbekistan. - Tashkent, "Adolat", 1993. - P.164-165.

<sup>88</sup> See: Regulations on the Legal Service of State Bodies and Organizations, approved by the Decree of the President of the Republic of Uzbekistan on January 19, 2017

No. PP-2733 "On Measures for the Basic Improvement of the Activity of the Legal Service" // Collected Legislation of the Republic of Uzbekistan, February 13, 2017, No. 6, art. 70.

<sup>89</sup> In the late XIX - early XX century. the concept of "immunity", which goes back to the Latin "immunitas" ("liberation from something", inviolability), was interpreted as "an exemption from taxes and duties granted to individuals and estates, as well as whole communities" // F. Encyclopedic Dictionary . Brockhaus and I.A. Efron. St. Petersburg, 1890 - 1907.

immunity is not the favor of the legislator, the granting of privileges, or the manifestation of a certain kind of piety for them, on the contrary, the measure is compulsory, since the appropriate official immunity provides official officials with official independence.

The legal adviser (head of the legal service) of the state body and organization also holds a position requiring higher legal education and performs state functions. Is it therefore necessary to give the legal adviser official immunity? Yes, it is necessary and it is provided in the current Regulations.

An analysis of the Provision on the Legal Service of State Bodies and Organizations allows us to say that in the event of a conflict in the official relations between a legal adviser and the head of a state body and organization, the issue is resolved on the basis of clauses 4,5,8,16,17,18,19,20,21 Regulations<sup>90</sup>.

For example, the legal service is obliged to immediately inform the management about the revealed violations of the law in the state body and the organization, as well as the subdivisions entering into their system, to directly inform the higher authorities, the Ministry of Justice and other law enforcement bodies about this; the employee of the legal service is held accountable for failure to perform or improper performance of his duties and functions in accordance with the law, and it is prohibited to entrust to the legal service and its employees functions not provided for in the Regulations or other legislative acts. The legal service examines draft orders, orders, contracts and other documents of a legal nature submitted to the management of the state body and organization for their compliance with legislation and, in the absence of comments and proposals, visits them. At the same time, the legal service visits the projects after other structural units (workers) of the state body and organization. She has the right to return to the executors for revision the draft laws and other documents that contradict the legislation, do not meet the requirements of legislative machinery, give legal opinions on the elimination of the revealed shortcomings with the justification of their objections.

The bodies of justice, within the limits of their competence, take measures aimed at eliminating the revealed violations on the part of not only the employees of legal services, but also other officials of the requirements of the Regulations and other legislative acts regulating the activities of legal services, and also to bring the perpetrators to liability established by law.

It is important that the Regulation not only establishes what the legal officer should do if the head of the state body and organization tried or did something illegal, but also gave the legal worker some immunity effectively protecting him

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<sup>90</sup> See: Regulations on the Legal Service of State Bodies and Organizations, approved by the Decree of the President of the Republic of Uzbekistan on 19 January 2017 No. PP-2733 "On Measures for the Basic Improvement of the Activity of the Legal Service" // Collected Legislation of the Republic of Uzbekistan, February 13, 2017, No. 6, art. 70.

from the actions of the head in the event of a they collisions in the relationship<sup>91</sup>. Thus, Clause 8 of the Regulations establishes that the employees of the legal service of the khokimiyats of the regions and the city of Tashkent, as well as state bodies and organizations of the republican level, are appointed and dismissed by agreement with the Ministry of Justice of the Uzbekistan, and employees of the legal service of the khokimiyats of districts and cities, bodies and organizations at the territorial level are appointed and dismissed by agreement with the Ministry of Justice of the Republic of Karakalpakstan, Justice, regions and Tashkent city<sup>92</sup>.

In addition, the legal service is an independent structural unit, created in a mandatory manner in accordance with the standards and criteria specified by the law and it reports directly to the head of the state body and organization; It is not allowed to reduce and redistribute existing staff units of the legal service to other structural subdivisions of the state body and organization.

Thus, the current legislation on the legal service in Uzbekistan specifically defined the official immunity of a legal officer. Its essence is the statutory and actual independence of the legal service, coupled with the real possibility of upholding its principled legal position on a specific issue when opposing its opinion to the head of the state body and organization, and, most importantly, a certain guarantee of the existence of a protective mechanism against prosecution in such a defense of the position<sup>93</sup>.

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<sup>91</sup> See: M. Kleandrov. Institute of Legal Service in Entrepreneurship: monograph // Norma, Infra-M, 2013, p.116-117.

<sup>92</sup> See: Regulations on the Legal Service of State Bodies and Organizations // Collection of Legislation of the Republic of Uzbekistan, February 13, 2017, No. 6, art. 70.

<sup>93</sup> See: M. Kleandrov. Institute of Legal Service in Entrepreneurship: monograph // Norma, Infra-M, 2013, p.119.