



Reforms In The Development Of The Bar Institution In Uzbekistan

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Abstract: The article discusses the changes, innovations, and benefits occurring in the field of advocacy. It highlights the inclusion of the advocacy institute in the Constitution and the elevation of the status of lawyers to a constitutional norm. The article also outlines legislative updates, changes affecting lawyers, and how these changes are applied in practice. In addition, it provides some information on the position of the Bar Association regarding these changes.

Keywords: Bar Association, Advocacy, Legislation, Reform, Institute.

Introduction: The Bar (Advokatura) is a comprehensive legal institution that regulates all norms concerning the rights and obligations of lawyers. It represents independent, voluntary, and professional associations of individuals engaged in legal practice, defining their legal status as well as the procedures for establishing and operating bar associations, legal consultations, firms, and bureaus.

As a legal institution, the Bar encompasses independent and voluntary professional associations of individuals engaged in advocacy, including those practicing private legal representation. In accordance with the Constitution of the Republic of Uzbekistan, the Bar provides legal assistance to citizens of Uzbekistan, foreign nationals, stateless persons, as well as to enterprises, institutions, and organizations.

Legislative Reforms. In recent years, legislative reforms in Uzbekistan have been aimed at creating favorable conditions for lawyers through the adoption of new laws, decrees, and resolutions. One of the most significant developments is the inclusion of a separate chapter titled “Advokatura” (The Bar) in the new Constitution, supplemented with new articles that further define the role and guarantees of the legal profession.

Among the subordinate normative acts, key examples include:

- The Presidential Decree of the Republic of Uzbekistan No. PF-5441, "On Measures for Fundamentally Increasing the Efficiency of the Bar and Expanding the Independence of Lawyers";
- The Presidential Resolution No. PQ-263, "On Measures for the Wide Introduction of Modern Information and Communication Technologies into the Activities of the Bar";
- And the adoption of the Law "On the Provision of Legal Assistance at the Expense of the State".

These reforms are aimed at strengthening the institutional foundations of the Bar, enhancing its independence, and ensuring broader access to qualified legal assistance for the population.

In particular, the Bar (Advokatura) functions to provide qualified legal assistance to individuals and legal entities. The activities of the Bar are based on the principles of legality, independence, and self-governance, which are firmly established in Article 141 of the Constitution of the Republic of Uzbekistan.

The constitutional consolidation of these principles serves as a guarantee for ensuring the rule of law within the Bar system, the independent formation of its governing bodies, and its freedom from state administrative interference. It also ensures that all issues related to the legal profession are resolved directly by the community of lawyers themselves.

Furthermore, Article 142 of the Constitutional Law provides that interference in a lawyer's professional activity is strictly prohibited. It guarantees the right of a lawyer to meet and consult freely with their client, to have appropriate conditions for providing legal advice, and it affirms that the lawyer, their honor, dignity, and professional activity are under state protection and safeguarded by law.

This legal provision plays a crucial role in securing the professional and procedural independence of lawyers. In particular, the constitutional prohibition against any interference in the professional activities of a lawyer ensures that they can perform their duties freely, fully, and without any external pressure or influence.

The constitutional protection of lawyers' professional independence serves as one of the fundamental pillars of a strong and independent Bar. This, in turn, guarantees equality between the defense and prosecution in judicial proceedings, ensuring the implementation of the principle of adversarial process. Consequently, it contributes to strengthening the role of the Bar in protecting human rights and lawful freedoms within the justice system.

According to the legislation of the Republic of Uzbekistan, a person may become a lawyer (advokat) if they possess higher legal education and obtain a license to practice law in the prescribed manner. To acquire this license and professional status, an applicant must undergo at least a three-month internship in a legal structure (such as a law firm, bar bureau, legal consultation office, or bar association) and successfully pass a qualification examination.

A lawyer is not entitled to engage in any paid activity, except for scientific or pedagogical work, as well as activities within the Chamber of Lawyers of the Republic of Uzbekistan and its regional branches.

A lawyer has the right to combine his or her professional activity with serving as the head of a legal structure. In such a case, the lawyer simultaneously acts as the head of the organization and may, under a contractual agreement, provide qualified legal assistance to individuals and legal entities. It is also stipulated that a lawyer may concurrently serve as an employee of the Chamber of Lawyers, as the head of his or her own legal structure, and continue practicing as a lawyer. In addition to these roles, a lawyer may also engage in scientific and pedagogical activities.

When performing professional duties, the tasks undertaken by the lawyer must take priority over any other type of activity. Even if the lawyer holds positions within the Chamber of Lawyers, manages a legal structure, or participates in academic work, his or her advocacy duties must remain paramount.

Attorney–Client Privilege. The attorney–client privilege (advokatlik siri) holds a central place in the legal profession and is not limited by time. The confidentiality of information entrusted to a lawyer is one of the most fundamental principles of advocacy.

Historically, this concept did not carry significant legal weight, but today, the attorney–client privilege is considered nearly equivalent to a state secret. This is because no one has the right to access the content of conversations between a lawyer and their client without the explicit consent of the client. Only the person who has entrusted the lawyer (the person under defense) may release the lawyer from the obligation to maintain confidentiality.

Therefore, maintaining the attorney–client privilege is not only an ethical duty but also a legal guarantee of trust between the lawyer and the client. It ensures the integrity of the legal profession, the protection of clients' rights, and the proper administration of justice.

This section examines the constitutional and ethical foundations of advocacy in Uzbekistan, emphasizing confidentiality (attorney–client privilege) and

professional conduct. It highlights how the codification of these principles contributes to the institutional independence of the Bar and the professionalization of the legal community.

Under Uzbek law, a lawyer may disclose information provided by a client (the person under protection) only in limited and legally justified circumstances. These include:

- Client consent — when the client explicitly authorizes the disclosure;
- Professional necessity — when disclosure is required for the lawyer to fulfill professional obligations in the client's best interest;
- Collaborative consultation — when the lawyer consults with other lawyers regarding the client's case, provided that the client has not objected;
- Civil disputes — when necessary to substantiate the lawyer's position in a civil dispute between the lawyer and the client; and
- Legal defense of the lawyer — when information is disclosed to ensure the lawyer's defense in disciplinary or criminal proceedings initiated due to professional activities related to the client.

The duty of confidentiality extends beyond the lawyer to include assistants, trainees, and other employees of legal structures. The time frame for maintaining attorney–client privilege is not limited; it continues indefinitely as an essential ethical and legal obligation (Republic of Uzbekistan, Law on Advocacy, 2008).

A lawyer is strictly prohibited from giving any promises or guarantees that might create unfounded expectations regarding the outcome of a case or imply an ability to influence legal proceedings unlawfully. Advocacy must be carried out with independence, honesty, and respect for the rule of law, ensuring full compliance with both ethical and constitutional principles.

Furthermore, the Constitution of the Republic of Uzbekistan (Articles 141–142) enshrines key principles such as legality, independence, and self-governance in advocacy. These provisions prohibit any interference in a lawyer's professional activities, guarantee the lawyer's right to freely meet and consult with clients, and ensure that the honor, dignity, and professional activity of lawyers are protected by the state.

CONCLUSION

The constitutional entrenchment of the fundamental principles of advocacy serves as a vital guarantee of the Bar's institutional autonomy and reinforces the social prestige of the legal profession in Uzbekistan. The country's Bar is undergoing a significant

transformation—from a structure once dependent on state oversight into an independent professional institution that upholds human rights, provides qualified legal assistance, and safeguards justice.

Comparatively, in many developed legal systems, such independence evolved over several centuries. In Uzbekistan, this transformation is unfolding dynamically as part of broader judicial and legal reforms initiated in the 21st century.

In essence, the development of advocacy in Uzbekistan embodies a continuous process of strengthening institutional independence, professional competence, ethical accountability, and responsiveness to the principles of civil society and the rule of law.

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