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**Legal Education in Uzbekistan: Historical
Overview and Challenges of Transition**

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Uzbekistan

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ABBREVIATIONS LIST

ABA CEELI	American Bar Association, Central European and Eurasian Legal Initiative
APA	Academy of Public Administration under the president of the republic of Uzbekistan
CEFR	Common European Framework of Reference for Languages
CIS	Commonwealth of Independent States
CLE	Clinical Legal Education
DAAD	<i>Deutscher Akademischer Austauschdienst/</i> German Academic Exchange Service
ECTS	European Credit Transfer System
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i>
HE	Higher Education
HEI	Higher Educational Institution
JICA	Japanese International Cooperation Agency
KOICA	Korean International Cooperation Agency
MOHSSE	Ministry of Higher and Secondary Specialized Education
MOJ	Ministry of Justice
MOFA	Ministry of Foreign Affairs
MOT	Ministry of Trade
MOF	Ministry of Finance
MOIAA	Ministry of Internal Affairs Academy
MFT	Ministry of Foreign Trade
MASHAV	Israel's Agency for International Development Cooperation
NPPT	National Program for Personnel Training
SSSI	State Security Service Institute
STC	State Testing Center
TSUL	Tashkent State University of Law
<i>TashGU</i>	Tashkent State University (Former <i>SAGU</i>)
UNDP	United Nations Development Program
USAID	United States Agency for International Development
UWED	University of World Economy and Diplomacy
VAK	State Attestation Commission
WIUT	Westminster International University in Tashkent

PREFACE

The primary aim of this book is to contribute to the understanding of the processes taking place in Uzbekistan in terms of legal education formation in the years after the demise of the Soviet Union. It should be noted that this book also focuses on the pre-Soviet era in which the territory presently known as Uzbekistan implemented widely the theological legal education, and the Soviet era which introduced a secular legal education system. Therefore, the coverage and analysis of this book primarily aims to elucidate the evolution and the model of higher legal education in the years of post-1991 reforms with relevant references to the Soviet legal education system.

Given the information contained in the following chapters, namely, what is happening in the domain of legal education in Uzbekistan, there is an enormous scope for cooperation among policymakers, law teaching faculties and legal educators in matter of curriculum development, legal pedagogy, clinical teaching methods, professional legal practice, academic research and development of adequate legal materials. Similarly, there is a serious challenge in Uzbekistan to restructure the doctoral level legal education in such a way to bring it closer to the realities of contemporary legal science.

To find out how legal education in Uzbekistan can strengthen the rule of law and democracy, scholars and practitioners need yet to conceptualize carefully how law curriculum, legal pedagogy methods, legal materials and other essential elements in preparation future lawyers fit the philosophy of law. In other words, how higher legal education can transform the future lawyers into true social justice engineers to achieve the constitutional dream of equal justice for all. Indeed, as it may be obvious from the following chapters, there is a wide fundamental gap between constitutional goals and highly state-centered legal education agendas.

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I. Introductory chapter

Overview

In 1991, socialism officially ended amid the collapse of the USSR which catapulted Uzbekistan as well as other former Soviet Central Asian republics towards independence and attempts to build an economy modeled on western type, democracy, and stable civil society. Since the demise of the USSR, Uzbekistan's government, similarly to other former Soviet states, has often been adhering to the 'fashionable' tendency to comprehensively criticize and distance from all developments associated with the *Sovetizatsiya*, including the education of lawyers and principles of legal profession. Indeed, official figures point that in the pre-independence period, Uzbekistan was among the USSR's former-countries with the lowest rate of access to higher education.¹ In fact, there was only one small law faculty in Tashkent, which once covered the whole Soviet Central Asia, and produced barely around 70 law graduates per year, trained to understand the theory of state and law and mechanically apply codified provisions of law commentaries.²

In the first decade of independence, considering the Soviet legal education as ideology-oriented and unsuitable in the realities of transition from socialism to market-oriented economy, the government of Uzbekistan decided to distance from existing framework for legal professional education and established four law faculties and one profile law institute. However, by taking a comprehensive look at the core characteristics of the post-Soviet legal education, for example, curriculum design, law teaching methods, and general management of relevant HEIs, it is apparent that legal educational system was modeled broadly by imitating the Soviet legal education doctrine and offered no modern sociology of law approach which would enable students to specify and understand correctly the contradictions occurring in transitional Uzbekistan. In such circumstances, short and long-term issues concerning cultivating interculturally-competent and internationally-minded legal scholars and practitioners arose, and it eventually affected the trajectory of legal education's gravitation towards globalization. Hence, the post-Soviet HE reforms in Uzbekistan which predetermined the historical evolution of legal education during the transition period and their 'top-down' implementation raise critical concerns about the role of law and preparation of new generation of legal professionals aimed to address the needs of society. Given the sharp contrast between the legal education's objectives and factual situation, many legal scholars and practitioners trained in the Soviet period assert that Soviet legal education, as compared to the present situation, was indeed well-conceptualized, adequately managed, and better funded in terms of infrastructure and human capital.

This research carefully documents and analyzes the evolution and transition challenges of legal education in Uzbekistan to detect critical aspects and address the nature of their existence. It initially touches upon the legal educational traditions which existed in the pre-Soviet era and the establishment of the first law faculty in the Soviet Uzbekistan in 1928. It later carefully examines the post-1991 period's critical reforms in HE sector and their impact on the 'formation' of modern legal education. Central chapters examine in detail existing profile HEIs which offer LL.B and LL.M degrees and current mode of doctoral legal education in Uzbekistan. Such line offers a reader

¹ United Nations Development Programme., *United Nations Development Programme. Education in Uzbekistan: Matching Supply and Demand* (Tashkent, 2008), Tashkent.

² For ex. by 1921 the total number of students in the law faculty was 30, however by 1923, already 71 people graduated the faculty with the specialization of law and economics. Refer further to; A. Agzamhodjaev and B. Blinder, *Tashkentskiy Gosudarstvenniy Universitet Imeni V.I. Lenina. Yuridicheskiy Fakul'tet* (Tashkent: O'qituvchi, 1980), 8.

a more explicit and the same time, broader picture of current legal education, in Uzbekistan, its features and gravitation tendency.

Fundamental laws

Transition towards market economy necessitated the creation of an entirely new legal system to promote fair market economy, establish the rule of law, democracy, and a system to prepare future professionals. Notably, as the vast majority of political elites in the newly independent Uzbekistan had been raised and trained within the socialist state realities, the reforms in Uzbekistan, including those in higher education sphere have peculiar characteristics. In particular, they are gradualist in terms of implementation timeframe and accompanied with the dominant, controlling role of state throughout long transition period.³ In other words, the government carried its reforms by placing strict deadlines similar to those in a planned economy era, and in a ‘top-down,’ strictly centralized manner, including in the HE sector. Such state-centered approach did not permit any autonomy to HEIs in terms of admissions, curriculum design, law teaching methods, and financial management.⁴

The first significant in nature and formal in essence step in gradual reforms of HE was initiated in 1992 with the adoption of the law on education.⁵ This law laid very general provisions on principles and nature of the proposed reforms of educational sector. It also initially mentioned about the state educational standards.⁶ The 1992 law on education was a pioneer step which did not result in any structural reforms as it merely contained no accurate reflections of the government’s views and strategy towards HE policy. Therefore, until certain period, the entire higher legal education system remained widely untouched, with the exception of termination of Marxist-Leninist philosophy and scientific communism. In 1997, with the adoption of the law on education in a new version, HE separated into two levels - bachelor’s level (unaccomplished higher education) and master level (higher education).⁷

In the same 1997, the government came up, to a certain extent, with a more clearly formulated program aimed at reforming the whole education system - the national program for personnel training (Hereinafter, the NPPT).⁸ The NPPT is a purely state-initiated and state-funded product which absorbed peculiar traditional values and focused on producing specialists who would respond to the needs of new market-oriented system. It also intended to liberalize education in terms of making it more autonomous and less dependent from the influence of any ideological dogmas.⁹ The NPPT aimed to shift from old to a new concept of HE and allocated the implementation of main objectives within three periods. (Refer to the table below)

³ Key reform programs of Uzbekistan are available further in; Islam Karimov, *Uzbekistan on the Way of Deepening of Economic Reforms*. (Tashkent: Sharq, 1995); I. A. Karimov, *Uzbekistan on the Threshold of the Twenty-First Century: Challenges to Stability and Progress* (St. Martin’s Press, 1998); Islam Karimov, *[On the way of Modernization of the country and development of economy] Mamlakatni modernizatsiya qilish va iqtisodiyotimizni barqaror rivozhlantirish yo`lida* (Uzbekistan, 2008).

⁴ John C. Weidman and Brian Yoder, ‘Policy and Practice in Education Reform in Mongolia and Uzbekistan during the First Two Decades of the Post-Soviet Era’, *Excellence in Higher Education* 1, no. 1/2 (31 December 2010): 57-68.

⁵ *Zakon Respubliki Uzbekistan ob Obrazovani (Outdated)* (Vedomosti Verkhovnogo Soveta Uzbekistana N 6, 1992).

⁶ *Ibid.* Art 6.

⁷ *Zakon ob Obrazovani (Prezident Respubliki Uzbekistan)*. Art 14.

⁸ *Natsional’naya Programma po Podgotovke Kardov. Vedomosti Oliy Majlisa Respubliki Uzbekistan* N 11-12 (Uzbekistan 1997).

⁹ *Ibid.* 2.1

First stage (1997-2001)	Second stage (2001-2005)	Third stage (2005-)
Infrastructural renovation	Full-scale implementation	Further enhancement
Introduction of the state educational standards (new curricula); Preparation of new teaching and learning resources; Exploring alternative (non-public) funding; Introduction of rating system (assessment); Widening international cooperation;	Development of pedagogical staff, textbooks, electronic databases, and online study resources; Reorganization of a five-year specialist into four-five years LL.B and two-year LL.M; Two-year Ph.D. - <i>Aspirantura (Candidat Nauk)</i> , and Dc.S - <i>Doktorantura - (Doctor Nauk)</i> ;	Complex analysis of the previous progress and experience; Further development of teaching and learning resources, teaching staff; Establishing high-class HEIs; Strengthening autonomy of HEIs;

Table 1.1: The NPPT development stages and their timescales.

Source, the NPPT law, *Natsional'naya Programma po Podgotovke Kardov. Vedomosti Oliy Majlis Respubliki Uzbekistan* N 11-12 (Uzbekistan 1997).

Although the NPPT intended to introduce the state educational standards during the first stage of implementation, it was only in 2001 when the Cabinet of Ministers adopted the regulation on state educational standards for HE to implement the requirements of the law on education.¹⁰ The state educational standard is a code for a particular scientific area that includes formal requirement: members of faculty (for law teaching HEIs; the number of teachers with master and doctoral degree in law) recommended books and their quantity, curriculum, and even the number of students in class. The state educational standard framework with the MOHSSE at the top is not a novelty in Uzbekistan because similar other former USSR states implement similar policies in their HE sector.

Since 1992, the government has adopted three legal statutes, namely, the law on education, the NPPT, and the regulation on state educational standards which up to now form the cornerstone of the HE system in Uzbekistan. These acts regulate HE objectives, management, financing, requirements, and many other related aspects. While these three statutes govern the general principles, and create the framework of HE, numerous regulations and orders of public institutions, particularly those issued by the MOHSSE clarify and determine further the administration and criteria of HE.

Centralized hierarchy of HE (Vertical structure)

The Cabinet of Ministers of the Republic of Uzbekistan is a central organization which is placed on the top of the higher education hierarchy and is a superior decision-making organ. It bears *de jure* responsibility for the admissions, implementation of state educational standards, funding and vital organizational matters regarding the HE. While it bears competence in senior appointments in HEIs, it is a well-established practice that rectors in the TSUL and the UWED are appointed by the President.¹¹ The State Testing Center (STC) is responsible for administering

¹⁰ [The 2001 State Educational Standards Reeregulation. *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan ob Utverjdenii Gosudarstvennyh Obrazovatel'nyh Standartov Vysshego Obrazovaniya. S izmeneniyami i dopolneniyami*, N23, 2017, n.d.

¹¹ President also appoints the Rector of the Academy of Public Administration.

entrance exams to all HEIs in Uzbekistan.¹² It was established in 1994 as one division under the Cabinet of Ministers. (Refer further to Admissions policy).

The Ministry of Higher and Secondary Specialized Education (MOHSSE) is an executive body responsible for the supervision of the general direction of the education and approval of relevant normative acts. It is theoretically a successor of its Soviet predecessor and presently, manages a wide range of issues, such as creation of curriculums in strict accordance with state educational standards, preparation of syllabus and study programs, provision of methodological guidance, approval and publication of textbooks, organization of academic year, and many other important aspects related to the HE system. Its competence with regard to HE is sometimes limited by the profile ministries to which certain HEIs are attached. For example, the University of World Economy and Diplomacy is attached to the Ministry of Foreign Affairs (MOFA), whereas the Tashkent State University of Law is attached to the Ministry of Justice (MOJ). Such hierarchical structure partly limits the administrative competence of the MOHSSE over specific HEIs.¹³ In turn, all HEIs suffer a heavy burden of multiple accountability which severely limits their capacity to manage own education process autonomously. In addition to that, such accountability often prevents HEIs' flexibility to adapt to new changes.¹⁴

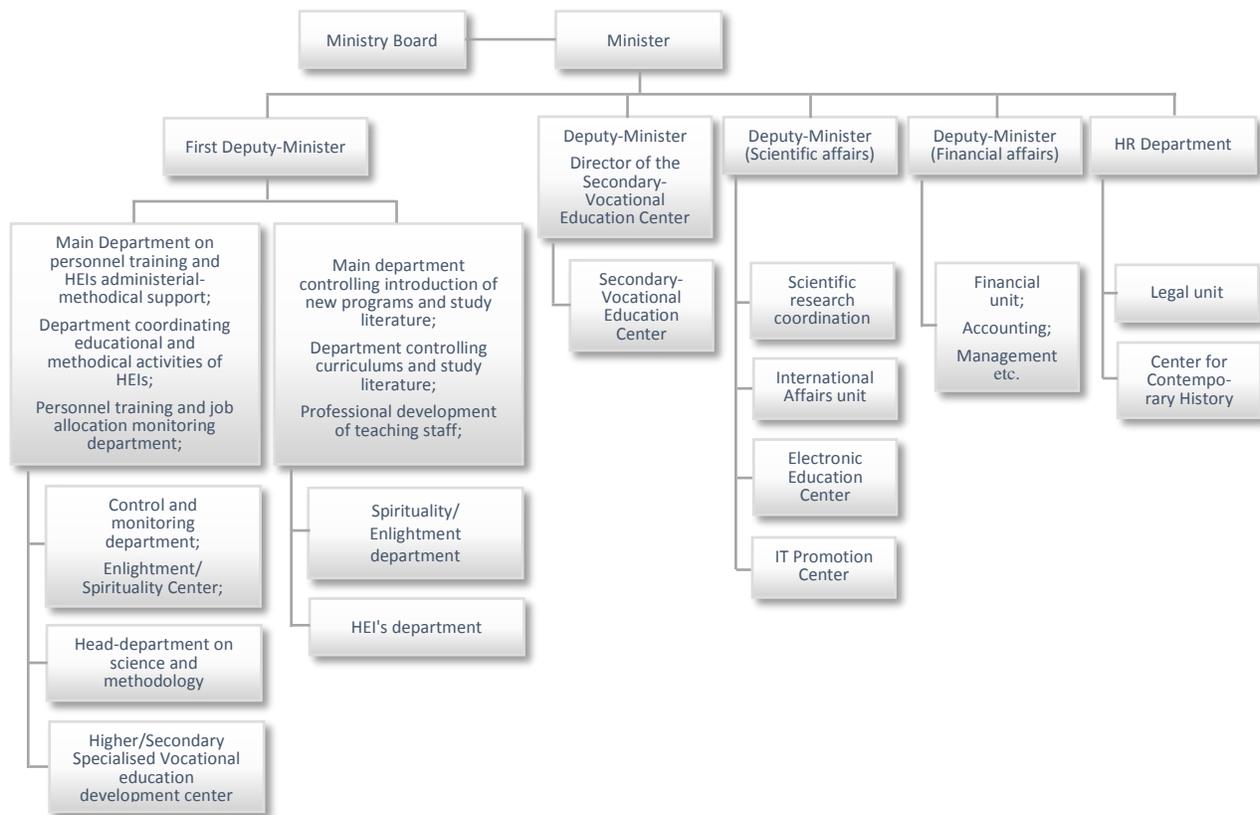


Fig 1.1: Organizational structure of the MOHSSE. Source: the MOHSSE, Legal Unit.

¹² *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan 258 o Sozdanii Gosudarstvennogo Centra Testirovaniya pri Kabinete Ministrov Respubliki Uzbekistan. 14 May 1994.*, n.d.

¹³ The Institute of State Security Service (the SSS Institute) under the State Security Service, Academy of Ministry of Internal Affairs (the MOIAA) under the Ministry of Internal Affairs. Some exceptions, such as APA under the President of the Republic of Uzbekistan)

¹⁴ Weidman and Yoder, "Policy and Practice in Education Reform in Mongolia and Uzbekistan during the First Two Decades of the Post-Soviet Era."

The government has created a strictly centralized the decision-making process by placing the Cabinet of Ministers at the top of the education hierarchy and attaching all domestic HEIs simultaneously to the MOHSSE and subordinating various matters to many public-statutory degrees and regulations.¹⁵ The current situation is also sophisticated as higher legal education operates under many regulatory regimes. For example, while all mentioned HEIs must comply with the general requirements of the HE laws and are also subject of supervision by the MOHSSE in terms of accreditation, quality control, admissions, the contents of the curriculum and graduation requirements, the TSUL, the UWED and several other specific HEIs while relatively free in terms of curriculum design, subordinate additionally to the relevant profile ministries. On the other hand, the Academy of Public Administration (the APA) functions under the different administrative framework is entirely independent of MOHSEE’s control.

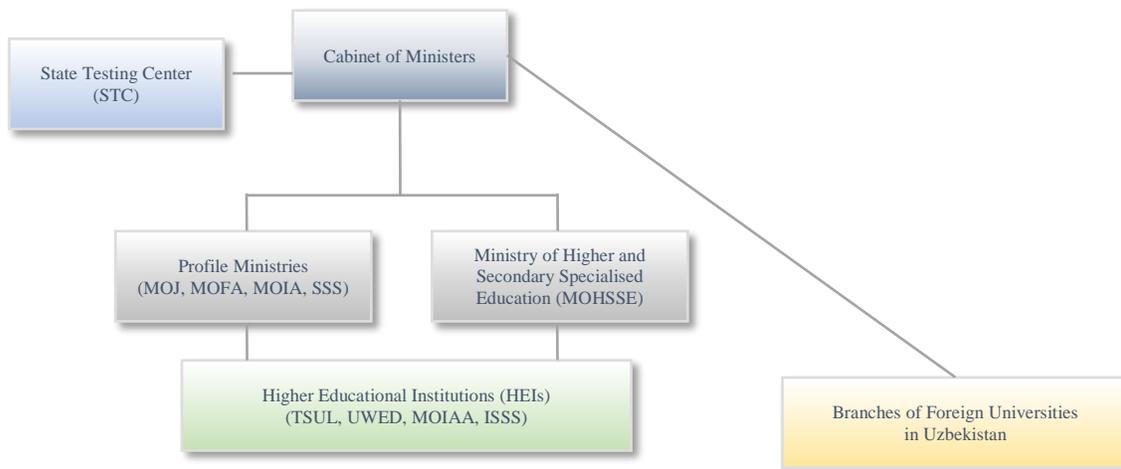


Fig 1.2: Centralized hierarchical framework of the higher legal education in Uzbekistan. The Ministry of Internal Affairs Academy and State Security Service Institute are specialized military HEIs which do not confer the LL.B /LL.M degrees but offer legal curriculum. (TSUL is partly autonomous from MOHSSE)

HEIs’ diverse types (Horizontal structure)

The laws on higher education classify HEIs in Uzbekistan into six categories; multi-disciplinary universities, profile universities, institutes, academies, regional branches of domestic HEIs, and branches of foreign universities. All HEIs, except the branches of foreign universities, are state-owned. The 1997 law on education *de jure* allows creation and functioning of private educational entities.¹⁶ In fact, in the wake of independence, the government allowed a handful of private HEIs to register and even obtain a license for conducting teaching activities. However, “fearing sub-standardization of higher education degrees, the government soon decided not to allow any private sector involvement in higher education, resulting in the demise of a newly

¹⁵ Kobil Ruziev and Umar Burkhanov, “Uzbekistan: Higher Education Reforms and the Changing Landscape Since Independence,” 2018, 444.

¹⁶ *Zakon ob Obrazovanii*.

emerging market segment.”¹⁷ In 2013, the government decreased the number of law teaching profile HEIs to just two and concentrated them in the capital city area, which comparatively to regions, already locates a disproportionately high number of HEIs. Hence, out of 84 HEIs in Uzbekistan in 2018, only six offered courses in law and out of these six, only three offer LL.B and LL.M degrees, including one foreign branch.¹⁸ A faculty of history and law in Karakalpakstan integrates both, studies in history and general theory in law, and hence, represents a hybrid mixture of humanitarian and social sciences curriculum. Although HEIs exist in all regions of Uzbekistan, those six which offer law are disproportionately allocated in the Tashkent capital city. Such situation raises a very critical issue of a limited access to legal education for populations residing in the regions.

Higher education institute category	Numbers	Offer courses in law	Offer LL. B/ LL.M
Academies	2	0	0
Multi-disciplinary universities	11	0	0
Profile universities	10	3	2
Institutes	38	1	0
Branches of foreign universities	8	1	1
Domestic HEIs regional branches	15	0	0

Table 1.2: Horizontal structure and the number of law teaching HEIs in Uzbekistan in 2018
Source. Compiled from MOHSSE’s web data.

Academies offer professional-scientific training in specific areas and, traditionally, their status is higher compared to national universities and institutes. Out of two academies, both offer legal disciplines required for their specific curriculum, however, do not grant LL.B or LL.M upon graduation. The Academy of Ministry of Internal Affairs (the MOIAA) is a specialized-military HEI which prepares professionals for managing positions within the structure of the Ministry of Internal Affairs. While its curriculum lists several legal disciplines, students (cadets) mainly focus on criminal and administrative law. Some law disciplines are also available in the master curriculum of the Academy of Public Administration under the President of the Republic of Uzbekistan (the APA). However, it similarly does not award a degree in law to its graduates.¹⁹ Academies also offer continuous professional and executive training courses. The Institute of the State Security Service (the SSS Institute), similarly to the MOIAA, is a specialized-military HEI which prepares professionals for managing positions within the structure of the State Security Service (Successor of the former Soviet *KGB*).²⁰

Profile universities are smaller compared to multi-disciplinary universities. Currently, there are only two state-owned profile (specialized) universities in Uzbekistan which offer LL.B and LL.M degrees; the Tashkent State University of Law (TSUL), and the University of World Economy and Diplomacy (UWED, International Law Faculty). Foreign university branch - Westminster International University in Tashkent (WIUT, originally London based) is

¹⁷ Kobil Ruziev and Umar Burkhanov, *Uzbekistan: Higher Education Reforms and the Changing Landscape Since Independence*, 2018, 445.

¹⁸ Compared to three decades ago, the number has doubled. For example, in 1988-89 the number of HEIs in the Uzbek SSR was - 43 and only one small law faculty at *TashGU*. Refer further to, J.J. Brunner and A. Tillet, *Higher Education in Central Asia: The Challenges of Modernization: Case Studies from Kazakhstan, Tajikistan, The Kyrgyz Republik, and Uzbekistan*. (Washington, D.C.: World Bank Publications, 2007), 145.

¹⁹ Refer further to Section on Master in Public Administration Program.

²⁰ Renamed in 2018 from National Security Service into the Sate Security Service.

comparatively a novelty in HE system of Uzbekistan which is based on a private-public partnership.²¹ To date, it is the only foreign HEI in Uzbekistan which offers LL.B and LL.M with a specific focus on business and commercial law. It was initiated by the government in 2002 and given a small population of law degree holders has not yet turned into a competitive player within the Uzbek HE market.

The creation of foreign university branches in Uzbekistan came as an alternative measure of dispatching Uzbek students abroad and funding their studies there. Notably, since 1990s, “the government experimented with competitively selecting 800 higher education students annually from Uzbek HEIs and funding their higher education studies in advanced economies such as the USA, the UK, Germany, and Japan.”²² The so-called *UMID* public foundation competent directly to the President of Uzbekistan actively selected talented candidates across the country and covered their studies in various HEIs abroad. Eventually, given the high costs spent for each candidate and multiple incidents of students not returning back to Uzbekistan, the government replaced such funds by establishing foreign university branches domestically in hope to localize preparation of specialists.

Language policy

Even though in the initial years of independence Uzbekistan, similarly to Baltic states adopted a notorious language law which gave Uzbek language a status of *lingua franca*, it still remains multilingual with Uzbek, Russian and Karakalpak languages in use.²³ The Soviet Union education system widely introduced Russian in the Central Asian region and, given the fact that seniors from the current local political elite were mainly educated in Russian language, it still occupies a space in the government (legal) related affairs. Therefore, the languages of statutory laws and legal education in Uzbekistan apart from Uzbek are also available in Russian (Or in Karakalpak language). On the other hand, the number of younger generation of Uzbek students and graduates in HEI possessing required academic and professional competence in Russian is gradually decreasing. While many study English as a foreign language, it does not play a significant role in domestic, especially legal affairs. That is to note that many law students and graduates can speak it on a daily basis, but they lack adequate competence in legal English.

Bologna system and legal education

The Bologna declaration which is open for ratification since 1999, aims primarily to harmonize educational levels and degrees and to remove obstacles and barriers to the mobility of students, trainees, graduates, as well as teachers, researchers, and higher education administrators.²⁴ As of 2018, Uzbekistan is not a Bologna signatory party, but recently there are some signs of compliance with its main objectives in terms of degrees and program length.²⁵ In 2012 the European Commission conducted a study on Uzbekistan’s conformity with the Bologna declaration regarding the following six aspects; 1) the Bologna structure of three cycles, 2)

²¹ *Uzbekistan; Modernizing Tertiary Education* (Washington, D.C., 2014), Washington, D.C.

²² Ruziev and Burkhanov, 449.

²³ *Zakon Respubliki Uzbekistan o Gosudarstvennom Yazike*, 1995.

²⁴ Christopher P. M. Waters, *Counsel In The Caucasus: Professionalization And Law In Georgia* (Martinus Nijhoff Publishers, 2004), 38; Shuvro Prosun Sarker, *Legal Education in Asia* (Eleven International Publishing, 2014), 149.

²⁵ Currently, out of 11 countries of the CIS - seven are official members to the Bologna Declaration.

European credit transfer system (ECTS), 3) the Bologna diploma supplement, 4) the national qualification framework, 5) quality assurance mechanisms, 6) the recognition of foreign qualifications. So far, Uzbekistan has adopted a three-level Bologna model that corresponds to the bachelor's, master's and doctorate. While things are clear and in compliance with bachelor's and master's, the third cycle, which is a doctorate level, still remains unclear and outside the universities' competence. (Refer for details to the section on doctoral level education)

The ECTS, which enables recognition of grades in multiple universities as well as facilitates students' mobility and study abroad has also not yet formed a clear rule. However, recent changes at the TSUL allows students to recognize and transfer credits obtained in foreign universities, even though there is a non-credit curriculum at the TSUL. The Bologna diploma supplement consists typically of sections which specify the nature, level, context, content, and status of successfully completed training. The HEIs in Uzbekistan provide a diploma supplement demonstrating the subjects passed, and grades earned. The national quality assurance system and recognition of foreign qualifications fall under the competency of the State Testing Center under the Cabinet of Ministers. In 2017, the Cabinet has also updated its state educational standards regarding the requirements for legal education directions.

Admissions policy

All prospective students apply to universities directly after completing high school, vocational college or academic lyceum. Hence, all candidates are in their 18-20. Admissions commissions while requiring high school transcripts pay a scarce attention to the grades obtained in at school. Enrollment is based on the admissions tests which usually include questions on history, native language and literature, and foreign language. Admissions exam have just introducing preliminary exams which aim to reveal applicants' critical thinking skills. Such exams however still do not speculate any preliminary test of legal - analytical skills. Application process is very different compared to the Western style law schools. In Uzbekistan, candidates aiming to study law at universities do not have to demonstrate excellent marks from previous education, recommendation letters, curriculum vitae, essays specifying the purpose, motivation and previous achievements. Furthermore, they do not attend competitive interviews and do not have to demonstrate commitment to excellence while studying or undertaking internships.

Before 1990, admissions into HEIs was administered locally by each university and included oral and written entrance exams on relevant subjects. Such system could not always prove fair given the direct contact between examinee and relevant professor. Furthermore, frequent reports of corruption during the entrance exams in the period between 1980-1990 raised a question of establishing admissions policy based on fair and equal access to higher education. In 1992, newly independent Uzbekistan piloted in several HEIs a reformed system of entrance exams based on testing. Later, in 1994, the State Testing Center (STC) monopolized the HE entrance exam system in Uzbekistan.

Contemporary admission test method implemented by the STC in Uzbekistan is in principle different from the subjective Western method of selecting candidates by focusing additionally on applicant's character and commitments. It is somewhat objective method of evaluation based on detailed question and answer exam, where the only motivation is to prepare well for tests. Admission tests mainly aim to determine applicant's general knowledge studied at school and do not consider other aspects. This system was obviously designed with a view to refuse the Soviet-style admissions where human factor played one of the dominant roles (Applicant had to choose

particular question and orally answer in front of interviewer or a board of interviewers and then write essay) and offer a comprehensive computer-based evaluation of test results instead. Thus, government thought it would offer a fair access to the legal higher education to everyone. Unsuccessful applicants are eligible to lodge appeal with the STC for reviewing their work and score.

Tuition fee

In the Soviet period, one of the remarkable achievements of the socialism was education free of money. Students did not pay tuition fees and, furthermore, received an adequate stipend from the government. Such stipend could vary based on academic progress of students. HE in the present-day Uzbekistan is not free of money for all. In fact, the vast majority of students pay for their education as a result of the dual-mode admissions system adopted in 1994. According to new system, the government classifies enrollment into HEIs into two types, the one which is funded by state - the so-called state-grant based study, and funded by student (usually by his family) - contract-based study. The Cabinet annually determines the quota - number of students admitted into state-grant and contract-based studies. Based on the results of admissions tests, those who achieve the highest scores will enroll on the state-grant basis and will not have to cover tuition fee. Those whose score is lower, outside of grant quota, can commence their studies only in case if they cover tuition fee which raises annually. In 2017, the government introduced a system of additional (above the traditional contract quota) admissions based on a higher contract rate.²⁶ In order to enroll on such system, an applicant is expected to collect a minimal score in the admissions exam and agree to cover a tuition fee which is incomparably higher than regular contract. The HE programs offer only full-time, on-campus studies. Hybrid, online-educational programs based on a remote access are still unknown phenomenon in Uzbekistan. The government also terminated evening higher education courses widely-practiced in Soviet times. Regardless of enrollment type, whether state-grant or contract-based, all students continue receiving a monthly stipend which can be increased for excellent marks.

State-grant recipients obtain their graduation diplomas, once they work for the public sector in Uzbekistan for about three years. Given the fact that state covers their tuition fee, it usually expects them to pay back in the form of work in the public sector. In practice, however, as government cannot secure employment for HEIs graduates, as it was widely practiced in the former Soviet Union, it is somewhat flexible whether state-grant recipient works for the public or private sectors in Uzbekistan.

Structure

To large extent, classes in Uzbekistan are conducted *ex cathedra* where instructor transfers knowledge to students on a 'top-down' way. A handful of young faculty members with foreign law degrees try to utilize the Socratic pedagogy, but their efforts often opposed by senior faculty members who adhere to the traditional lecture style. Lectures last 90 minutes and students are sometimes required to take notes (*konspekt*) which they must later revise and rely on during the

²⁶ The number of additional quotes are to be determined by the State Commission based on the potential of particular higher education entity as well as the major of study. Refer further to, *Postanovlenie Prezidenta Respubliki Uzbekistan 2955.*, 5.

seminars. All lectures and seminars in the curriculum are mandatory, and professors often take attendance at the beginning of the class.

Every academic year is composed of two semesters. During each semester students, participate in lectures and following seminars which usually take the form of question-answer sessions. Later, they take mid-term exams and sometimes submit written assignments. In some universities, students are required to submit course papers as a compulsory part of the curriculum. After each semester students take exams and receive their grades. Each university has elaborated various methods of evaluation of students' academic progress.

Curriculum concept

There has not been much debate yet about the goals of academic legal curriculum in Uzbekistan. Indeed, all countries in the CIS region struggle with this question.²⁷ So far, legal curriculum in Uzbekistan very sporadically includes such vital components as; legal theories, the way they are adapted in the transitional economy, changing society and the effect they pose on this society, its ethics, politics, and economy. It also focuses, although in a tiny scale, in legal critics and review. What it mainly neglects is education on application of academic legal knowledge to practice of law. The practice versus theory dichotomy remains for many years as a central point of concern when it comes to legal curriculum development in Uzbekistan.

Presently, the primary characteristic of legal education in Uzbekistan is that legal curriculum is designed in a way to provide academic, theoretical education rather than professional legal training that would concentrate of law's practical implications. Therefore, experts of Western legal education often tend to agree that LL.B curriculums which are heavily based on theory and less in practice, do not prepare students for the real world of legal practice. Indeed, LL.B degree in Uzbekistan is considered as incomplete higher education, and most of the bachelor graduates may begin their careers only as trainees or junior assistants.

Legal curriculums in Uzbek HEIs are relatively strict and unreasonably burdensome in terms of academic workload. Within four or five years, students must cover a considerable number of mandatory non-legal, para-legal and legal disciplines and there is no much freedom to study a particular direction of law.²⁸ The core legal courses start from the second year (in case of UWED even from third year) while profile legal disciplines appear only in the last courses. Furthermore, students often have to follow a curriculum which contains a long list of irrelevant to law disciplines. Therefore, one may point to the inability of some law curriculums to accommodate students interests and offer them more flexibility in their chosen areas.

Several years ago, there were serious and far-reaching attempts to reform legal curriculum at the TSUL with a view to reduce mandatory disciplines and encourage a broader specialization through profile legal disciplines. Indeed, this reform could address many critical issues and in general positively impacted the study process. However, as it will become evident in the next sections, the reform remains halfway unrealized, and it necessitates further actions to be taken for its logical conclusion.

Instead of practical implications, the legal curriculum in Uzbekistan offers students a more sophisticated understanding of historical, philosophical and dogmatic backgrounds of law. Most

²⁷ Waters, *Counsel In The Caucasus*; Sarker, *Legal Education in Asia*; D. Wes Rist, *The Export of Legal Education: Its Promise and Impact in Transition Countries* (Routledge, 2016).

²⁸ If a student fails to attend a certain percent of scheduled classes without serious reasons, he is deemed to have failed the course and may be expelled by the rector from the university.

of this comes from the compulsory non-legal subjects like history of state and law, theory of state and law, Roman law, philosophy and other disciplines taught in the first and second years. The mere fact of remaining in the present curriculum of the history and theory of state and law which was inherited from the old Soviet curriculum demonstrates clearly the remaining state-centrism in modern legal education.

Study materials

Usually, at the beginning of the course, lecturers hold introductory sessions where they mention briefly about the whole course's study materials. Such materials comprehensively include course books and monographs written in Russian or Uzbek languages and recommended by the MOHSSE. Sometimes lecturers recommend searching for relevant statutes. Lecturers seldom prepare and disseminate study materials to students beforehand.²⁹ It is student, who must find all recommended readings in the library or elsewhere. Given an obvious underfunding problem of libraries, they rarely accommodate every student's needs.

Lecturers in Uzbekistan rarely use casebooks. It is often caused by lecturers' own education (most of them were not trained to work with cases and do not know well how to pick up cases which are relevant for the topic, how to train students to identify legal issues and understand controversial legal provisions from the text of the case. Instead, lecturers rely heavily on excerpts from books which provide a general information about the principles of law, doctrinal and philosophical aspects. Lecturers who follow the old 'top-down' method of lecturing, read such excerpts and require students to take notes and memorize lecture. Notes are used later in the seminar classes or exams as a reliable source of information.

Computer-based legal research remains widely unknown, and therefore, students have no skills in accessing legal research databases. While there are several legal databases which offer updated domestic statutes, no university in Uzbekistan provides access to paid, research databases in foreign languages. Hence, students often work with materials from domestic jurisdiction. Russian speakers may have an advantage of referring additionally to Russian law if they are lucky to find some relevant books in the library or obtain a research data from the web.

A) Statutes

Instructors regularly refer to domestic statutes such as laws and regulations. In the course of study, students refer mainly to two legal databases which provide updated laws in Uzbek and Russian languages. Uzbek statutes typically use a complicated conventionalized language, and it is the task of law instructors to clarify to students the particularities of normative-linguistic conservatism. Interpretation of statutes remains very vague.

B) Textbooks and monographs

Students generally rely on Uzbek and Russian textbooks published locally.³⁰ Many books involve common methodological approaches similar to those used in the Soviet legal textbooks. Such books focus on inherently formal and positivist legal education, or too abstract and extremely formal judicial opinions.

C) Cases.

Precedents do not play role in legal arguments, proceedings, legal decisions and judgments in Uzbekistan because it is a civil law country, and therefore, casebooks or descriptions do not

²⁹ (TSUL via website)

³⁰ Exception is international law.

form a significant part of reading materials. In fact, there is no database accessible for students on cases and judgments from domestic courts. Only a handful of professors teaching international private law refer to case law studies to enable students understand practical legal implementation better (For example; deductive or analogical reasoning).

The primary issue of concern is the situation with absence of adequately written and thoroughly reviewed Uzbek language textbooks. While some students who are generally able to compensate for the lack of study material in Uzbek by relying on Russian language books and articles (which are mostly outdated too) the majority of young Uzbek students just entering the LL.B program are increasingly unable to read in Russian. Even though the situation with teaching English is relatively better in the UWED, nevertheless, English based legal studies are not assigned as mandatory reading.

Teaching methods

Teaching law in Uzbek HEI originates from the Soviet system of lecturing of a black letter law without necessarily initiating an open discussion among students. Furthermore, lecturer often must follow the material assigned for the lecture.³¹ Interactive methods of teaching law remain yet widely unknown. Recently, some HEI started integrating classes with some elements of Socratic methods, but the number of specialists who were adequately trained and who can maintain interesting and focus-oriented discussion among students is critically low. These young scholars suggest that teaching students about the ways to think like a lawyer is far more efficient than making them automatically learn theories and doctrines. On the other hand, there is an opinion suggesting that Socratic method might not necessarily always be a good choice as it pushes some students with weak communication skills through a stressful experience. Some, senior faculty members, trained in the Soviet system also often oppose the initiatives of young graduates of foreign universities working in Uzbekistan to introduce Socratic method as a primary teaching methodic. They also assert that Socratic method does not always prove as a successful model of class where the number of students is high or diverse.

Hence, the primary method remains the so-called traditional *ex cathedra* lecture, where only one lecturer teaches a large group of students for 90 minutes and expects them to memorize long texts.³² Whether such lectures are exciting or not, depends heavily on professor's oral skills. If professor is good enough to keep students focused and interested in the topic, then lecture may turn into a very intellectually challenging session. However, if a lecturer lacks good communication or oral skills and does not know how to hold students' attention, it often results in boring and frustrating monolog where students just physically present. A dominant point of concern is that teaching law in Uzbek HEIs rarely generate among students a critical thinking on the practice of law, skills in legal analysis, abilities to absorb numerous facts and distinguish their relevance, ability to present arguments in an appropriate way and understand well societal and individual problems and think constructively on optimal solutions. In this regard, Socratic method definitely may have an advantage over the 'top-down' 90-minute lecture because informal discussion often stimulates active learning which develops mentioned essential skills in students.

Lecturers rarely explain or provide materials for the next class beforehand or encourage students to take adequate preparation. Therefore, many students often come to class unprepared,

³¹ Usually by MOHSSE

³² Some just dictate from the book or own notes

which makes their performance and understanding abilities low. Lectures in which instructors repeatedly expose students to memorizing the theoretical concepts are known to be hard to concentrate. Therefore, the majority of students find such methods boring and eventually fail to understand the lecture adequately, and furthermore, successfully pass exam and maintain theoretical knowledge after their graduation.

To counter mentioned shortcomings, two of the universities teaching law have incorporated clinical legal education method as a non-mandatory component of the theory-intensive practice method. The clinical legal education, widely introduced by the US legal aid entities, is believed to be a legal, dispute resolution-oriented training which exposes students to theoretical issues studied in the lectures.

Grading system

Evaluation and grading of students is copied from the Soviet era rating system. According to each HEI's present assessment rules, 100 grades is the highest possible mark. The final mark on each discipline is calculated based on the summing up points for above-mentioned activities. For example, if a student, by summing up his ongoing assessment, which includes; lecture attendance and seminars activity, tests and, term exams achieves in total between 86 to 100 grades, it will then correspond to excellent mark. 71 to 85 corresponds to good mark, whereas 55 to 70 grades correspond to satisfactory mark. Hence a minimum, critical score for each subject is 55 and students whose progress is below cannot proceed to the next academic year.

Mark	Grade
86-100	Excellent
71-85	Good
55-70	Satisfactory
0-54	Fail

Table 1.3: HE grading system sample

Some short-term academic disciplines, do not stipulate obtaining grades but assessed through 'passed' or 'failed' criteria. Some term papers and course works are also evaluated separately on the 100 grades scheme. Although grades are generally considered as an essential indicator of student's knowledge, employers in Uzbekistan rarely refer to it as a crucial factor. Therefore, many students do not undergo through a stressful competition of obtaining good marks as compared in other countries. The more important is to obtain a diploma with a degree which paves the way for the future career.

Exams

Depending of the HEI, exams might be oral, written or in the form of tests. Written or oral exams often consist of several questions on topics covered during the course. Additional questions outside the course program are not rare. To obtain excellent mark, a student must excellently response to all questions. Most of the exams remain as closed book sessions. So, students often have to rely on their memory. For some time, the problem related to the anonymity remained critical because many students complained about personal problems with some professors and as a result feared prejudice which could have eventually negatively influence their academic records.

Based on teaching methods, exams involve questions evaluating student's ability to memorize principles or statutory law itself. Such questions, whether in tests, written or oral exams, require students to describe and comment on differences in law or define legal definitions of a specific legal term within the statute. Example may include the following semantics:

- A) Describe the sources of law (For example, international public law)
- B) Define seven principles of the constitutional law.
- C) Why trespassing is different from infringement.
- D) Discuss the main components of state mentioned in the course theory of state and law.
- E) What is the self-governance according to the Constitution of Uzbekistan?

Later students come up with some more complicated questions where most evaluate their memorizing abilities rather than analyzing skills and critical thinking abilities. Some initial attempts to introduce exams based on simulations and situational cases in order to develop students' inductive reasoning can be observed recently in the TSUL.

Staff profile

The majority of faculty staff in Uzbek HEIs concentrate heavily on education process which, in turn, makes them limited in terms of research. For example, professors in Japan consider themselves as educators as well. However, those familiar with Japanese system of HE will agree that professors do not concentrate much on their students and education process, but rather involved heavily into their own research activities. Hence, Japanese professors usually work in a senior scholar-oriented society rather than in the student-oriented environment. In order to obtain a tenure, it is essential to demonstrate excellent research achievements and university authorities rarely accentuate on lecturing skills and communication competence. Once a Japanese scholar obtains a full-time professor's position it places him at the top of the university's hierarchy system which is very obvious at traditional Japanese universities. Given much freedom, many Japanese professors who adhere to the traditional thinking automatically distance themselves from students and junior faculty members. As a rule, they involve deeply into own research and seeking some external funding for it. Even though such professors bear the responsibility of teaching and supervising students, it is *de facto* a student's prerogative and obligation to seek professor's 'busy' time to obtain guidance or advice. There is only a handful of professors who continue maintaining equal relations with junior faculty staff and remember about their obligations with regard to student's education.

In Uzbekistan, faculty staff carry a heavy burden of lecturing, research and often supervising students in non-educational matters. Lecturing is the crucial responsibility which often takes the most of the time. As long as the majority of curriculum disciplines are obligatory, some lecturers have to teach up to four or five classes per day and then deal with non-study matters, such as supervising students' extracurricular activities (*vospitatel'naya rabota*) fill in various forms and reports, which naturally leaves no space for research. Furthermore, government often puts additional burden on law lecturers in the form of seeking their views and written analysis of legal reforms and projects. Most of such activities have the form of a voluntary 'activism' initiated by higher authorities. There is only a handful of professors who can enjoy comparatively more freedom in terms of dedicating much time for reading and writing about their own research. Unlike Japan, lectures in Uzbekistan do not have to demonstrate excellent research achievements. Tenure

mainly depends on teaching experience and qualities. Graduates with foreign diplomas applying for teaching positions in HEIs in Uzbekistan have advantage over those with domestic degrees.

Research arguments

Since 1991, the government has been carrying the reforms in HE sectors in rigorous and top-down manner. The adopted set of laws contains positive intentions including on upgrading the legal HE's general infrastructure and raising the quality of degrees by offering new courses. Despite its far-reaching goals, the practical experience demonstrates that laws addressed vital matters in very general terms. While laws on HE paved the way for establishing several HEIs which offer legal education and expanding existing ones, it did not grant any HEI an adequate level of autonomy in such vital matters as curriculum and syllabus design, teaching and assessment, graduation requirements, and financial matters. Hence, a centralized structure with the public agencies in the top and law faculties in the very bottom follows a traditional state-centered approach to the legal education which widely represents a former socialist doctrine, which is in principle, incompatible with the future constitutional goals of placing an individual at the center of legal relations rather than state. Furthermore, the practice of existing HEIs teaching law, demonstrates that top-down reforms and control over legal education, apart from stagnating effects

on curriculum and teaching, might also lead to scholarly isolation, legal education's gradual monopolization and wide commercialization.

Recently, as a central part of legal education reform, the government initiated a massive attraction of working legal practitioners into the law teaching process in HEIs. The practice of inviting practitioners for lecturing in the law faculties is not a novelty and has been in place in many other CIS countries. The main objective is to fill in the curriculum which is structured around the theory of law with an essential component of introducing practical implications of legal profession. What is often missing or omitted while implementing such policy of widescale attraction of legal practitioners into study process is a well-balanced approach with other vital components of legal education. In other words, teaching law by merely introducing personal legal practice, which is often the case, cannot prove successful unless instructor integrates another two essential



Fig1.3: Author suggests that unless teaching law (whether law lecture or seminar) does not integrate all these three components, namely, Legal Scholarship [Academism] which represents a high-quality research in law, Legal Pedagogy which implements modern law teaching technics and methods, and finally Legal Professional Practice that involves adequate expertise in application of law, a goal of producing trained lawyer upon graduation HEI is in principle impossible.

components, namely, legal pedagogy skills and academism. In sum, teaching law must contain the following components as shown in the figure below and unless there is a lack or gap between any of the component, it will eventually lead to the failure in preparation of lawyers with adequate knowledge of law, professional capacities and personal motivations.

As it is apparent from the following chapters, present legal education in Uzbekistan is on its way to review and change, especially after political changes in 2016, and therefore it is difficult to present comprehensively the current condition of the whole system. Nevertheless, our shrewd attention to past and present situation is indispensable because it is a cornerstone of law and judiciary development in Uzbekistan.

II. Historical Overview of the Legal Education

Introduction to the Chapter

Prior to the 1918 Revolution, there was no secular legal education in the region. The *madrassa* which existed only in big cities offered clerical legal education of Islamic law. The Tsarist justice organs which in certain period co-existed in the Central Asia with Islamic courts employed legal practitioners who studied law in Moscow, and other cities of the Russian Empire. Hence, there was not even a single representative of native population working in the formal legal sector. The creation of the USSR and transition to the socialism in the early 20 century presupposed total abolition of old legal framework in favor of a new Soviet justice system and legal education approach. In this regard, the newly established government took certain steps in organization of preparatory process of qualified legal professionals capable of promotion the principles of a socialist law. Initially, politics of nurturing future Soviet lawyers came face to face with tremendous barriers, such as lack of adequate number of educators who could teach Socialist law in the languages of local people, and absence of any law literature. In April 1918, the establishment of the first secular university in Central Asia and a small law department within its social-economic faculty paved the way for development of formal legal education in Uzbekistan.

II.1. Pre-Soviet Era

II.1.a. Higher clerical legal study in *Madrassa*



Image 2.1: Abdulaziz Khan Madrasa in Bukhara. XVII Century. Facade side.

Up to the beginning of the twentieth century, the higher legal education in the territories which form the present-day Uzbekistan, was purely Islamic and concentrated around *madrassa* - the seminaries for male adults who had obtained elementary knowledge on writing and reading in Arabic at schools or mosques.³³ Therefore, enrollment requirements to the *madrassas* unconditionally included a demonstration of basic abilities to read and write in Arabic language. Young men could commence their studies from 14, and had to spend about 10 or more years to complete all courses.³⁴ Traditional education entities in the region,

including *madrassa*, could exist due to the incomes received from its lands (*Vakf*) and various contributions from philanthropists.³⁵ Scholars report that during certain periods, some local rulers even offered *madrassa* students stipends to cover certain living expenses.³⁶

³³ There are multiple definitions of *madrassa* in different sources. The general meaning is – religious school, college, university, or seminary, where boys of high school age study the Koran, Islamic law, and related subjects. Refer further to;

³⁴ Edward A. Allworth and Edward Allworth, *Central Asia, 130 Years of Russian Dominance: A Historical Overview* (Duke University Press, 1994).

³⁵ Kobil Ruziev and Umar Burkhanov, “Uzbekistan: Higher Education Reforms and the Changing Landscape Since Independence,” 2018, 436, doi:10.1007/978-3-319-52980-6_17; O Chehovich ., *O Vakfnom Hozyaystve v Sredney Azii.*, Dokumenti Agrarnykh Otnosheniy v Buharskom Hanstve, (Tashkent, 1954).

³⁶ Anke fon Kugelgen, *Legitimizatsiya Sredneaziatskoy Dinastii Mangytov v Proizvedeniyah Ih Istorikov (XVIII-XIX Vv)* (Almaty: Dayk – Press, 2004), 331.

In *madrasa*, students specialized apart from literature, history and Arabic language, in Koran, theology and in confessional jurisprudence based on Muslim law. *Madrasas* which existed in the medieval centers of education - in Bukhara³⁷, Samarkand and Khiva, inherited a peculiar scholastic legal education based on studying the theology (interpretation of Koran) and law (*Fikh*) in Arabic. Even though education in *madrasa* had its specific system it is impossible to track down a concrete curriculum that all entities carefully followed in their study programs.

As *madrasa* was a multi-disciplinary college, the course on jurisprudence often followed after student mastered grammar, and initially stipulated intensive readings on elementary religious law. Having finished books on elementary law, students then focused on specific readings on civil and criminal disputes in Islam. The whole course on jurisprudence was often based around several books that student had to regularly read and memorize, often without well-guided interpretation from instructor. Teaching law in *madrasa*, strictly followed religious dogmatic principles based on poorly argumentized dialectics and deduction. Jurisprudence instructors basically used to take a scholastic approach in theological-legal traditions. However, some creative intellectuals who rejected simple dictation and automatic memorization, often confined themselves to interpretation of provisions and relevant works in their teaching methodic.³⁸



Image 2.2: Ulugbek Madrasa in Bukhara. XV Century. Inner side with cells for students.

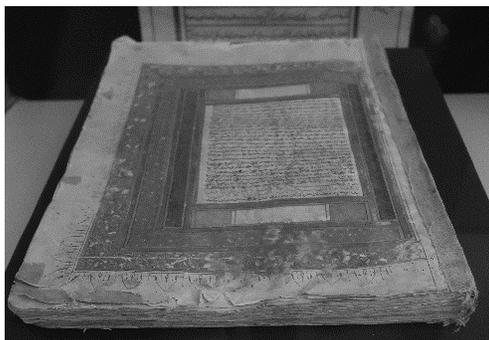


Image 2.3: An example of excerpt of the *Fikh* (Islamic law) in Arabic language. XIX Century. Khiva.

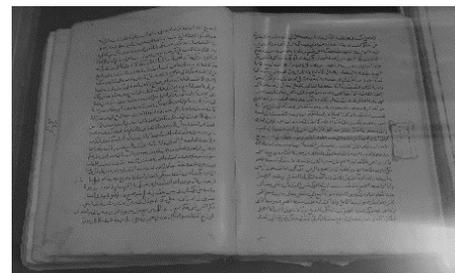


Image 2.4: The collection of Islamic laws. XIX Century. Khiva.

In various periods, confessional legal education presupposed graduation exams which would pave the way for a future legal practice. Students who intensively studied a course on Muslim jurisprudence, usually aimed upon their graduation to occupy legal professions intrinsic to their communities, such as judge (*Kazi*) competent to decide upon multi-profile cases or qualified jurist (*Mufti*) an Islamic scholar with a competence to interpret Islamic legal provisions

³⁷ Scholars point that there were around 150 *madrasas* in Bukhara, and in different periods the number of its students composed about 30 thousand young men. Refer further to P.P Ivanov., *Ocherki Po Istorii Sredney Azii (XVI- Seredina XIX Veka)* (M: Izdanie Vostochnoy lit-ri, 1958), 106–108.

³⁸ Adam Mez, D. S. Margoliouth, and Salahuddin Khuda tr Bakhsh, *The Renaissance of Islam*, 1937, 179; George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh University Press, 1981), 174.

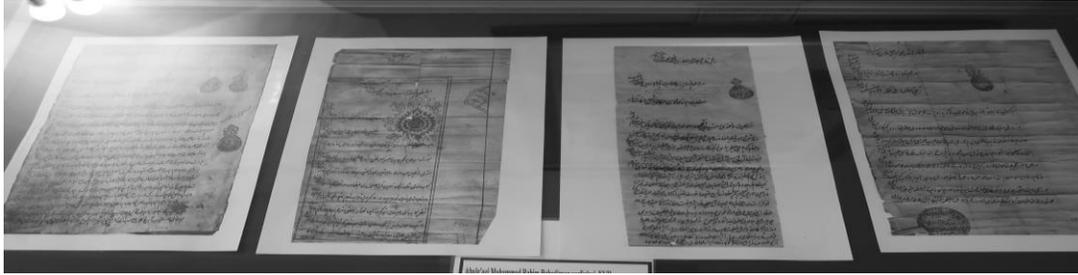


Image 2.5: Sample ordonnances of the Khiva Khan. XVII Century. Khiva.

and provide *opinio juris* (mainly on family law or *Sharia* law). Local rulers (*khans*) often relied on such opinion in their ordonnances and decrees.

Under the Tsarist Russia³⁹, as legal disputes were left to local discretion, the functioning of *madrassa* was left nearly untouched.⁴⁰ When *Bolsheviks* sporadically came to power,⁴¹ their most efforts to immediately re-organize traditional legal educational system in Turkestan did not prove successful because of the unpopularity with local population, and *madrassa*, for some time, continued to exist due to the support from charitable donations provided by private individuals. However, as pro-Soviet authorities shaped and widely manifested their concrete future vision of statehood with no place for religion, material support for *madrassa* was gradually banned, and traditional legal education started vanishing.⁴² Hence, in the context of the Soviet baked atheist politics and wide Sovietization of the region, public education, including legal, started slowly gravitating from confessional towards highly anti-religious.⁴³ In fact, by 1920, there were only 75 *madrassa* students in whole Turkestan.⁴⁴

In the period 1919 - 1928, when the future of the Soviet power in the Central Asian region was yet in its formation stage, most of the legal disputes among native populations were informally resolved by the *Kaziy - Sharia* courts. The Soviet authorities also reluctantly recognized the traditional (Islamic) civil rights and functioning of some confessional but loyal legal scholars. A very small number of traditional *madrassahs* still functioned and prepared a very limited number of practitioners of *Sharia* law. Even in the city like Tashkent, populated predominantly by people of Slavic origin, the minority Muslim population often preferred resolving their family and civil disputes according to the norms of *Sharia* law.

Hence, for the first ten years of the Soviet rule in Turkestan, Islamic legal practices could still preserve its influence, however only in those cases where its norms did not contradict to the revolutionary propaganda of the proletariat.⁴⁵ In other words, there was a dualism of the legal

³⁹ The legal education system of the Tsarist Russia itself resembled more to that of Austria and Germany and was equivalent to the Western model.

⁴⁰ Ostroumov, *Islamovedenie. Vvedenie v Kurs Islamovedeniya*. (Tashkent, 1914), 208.

⁴¹ Before the territorial delimitation of 1924 which gave rise to the establishment of the Soviet Central Asia, and Uzbek USSR as one of its union republics.

⁴² On the decision to transfer financial support (*vakf*) from confessional education institutions to non-confessional refer to; *Kommunisticheskaya Partiya Uzbekistana v Rezolutsiyah I Resheniyah S'yezdov I Plenumov TsK*. Tom 1, 1925-1937, Tashkent 1987, 31-36.

⁴³ *Rezolyutsiya 1-go S'yezda Kommunisticheskoy Partii Turkestana on 6-12 Fevralya 1925 goda "Anti-religioznaya propaganda,"* n.d.; *Rezolyutsiya 7-go S'yezda Kommunisticheskoy Partii Turkestana on 11-16 Marta 1924 "Ob anti-religioznoy Propagande v Usloviyah Turkestana,"*

⁴⁴ *Tsentrāl'niy Gosudarstvenniy Archiv (TsGA RUz) Respubliki Uzbekistan, Fond R-17, Opis' 1, Delo 1062, List 19.*

⁴⁵ Katlijn Malfliet and Erik De Maeyer, *Legal Perspectives: The Legal Profession and Human Rights in Uzbekistan* (Garant, 1999).

system - an unusual coexistence of the emerging Soviet and Islamic legal practices. The Soviet authorities realized that sudden shift towards the Socialist oriented law could raise additionally negative consequences among the local population who preserved their own rules for centuries and even during the Tsarist era. Furthermore, in the context of the yet poorly-formulated Soviet legal educational doctrine and a handful of relevant scholars in the Turkestan, it was nearly impossible to immediately replace or retrain existing local lawyers. In fact, up to 1925, there was no higher educational entity to train Soviet law in the region.

In 1928, the Ministry of Justice of the Uzbek SSR (*Narkomat Yustitsii*) and the Ministry of Education of the Uzbek SSR (*Narkompros*) in their joint meeting recognized any form of confessional education as socially harmful and inadaptably to the realities of the new socialist state.⁴⁶ Such decision gave rise to a reform which eventually eradicated legal education based on theological doctrine and replaced it with the one based on socialist values.⁴⁷

A reform of legal education pursued a goal of creating a new legal profession profile associated with pro-revolutionary and proletarian backgrounds. A sharp deficit in lawyers among the working class (*proletariat*), resulted initially in creation part-time, non-regular and intensive programs aimed at quick production of legal professionals capable of performing administrative-procedural functions state-administrative organs, state planning and other organizations.

II.2 The Soviet Era

II.2.a. The first secular university and formation peculiarities of its law faculty

Initially, only a handful of republics in the former USSR maintained HEIs which offered higher legal training.⁴⁸ While only some of them acted as specialized law institutes, most were small or medium-size law departments (faculties) in the universities. Some parts of the USSR, mainly Slavic and Baltic republics experienced relatively stable legal education and boom in number of scholars. On the other hand, the Soviet Central Asia and Caucasian regions faced a desperate shortage in both.



Image 2.6: TashGU in 1980th. Façade.

The country's first modern and secular university - the Turkestan Peoples' University appeared in 1918, before the national - territorial delimitation took place.⁴⁹ In 1920, V.I. Lenin signed

a decree adopted by the Council of People's Commissars about organizing the Turkestan State University in Tashkent, which in fact, reorganized the former Turkestan Peoples' University.⁵⁰ In July 1923, local Bolsheviks, taking into consideration the fact that it was the only HE entity in the Soviet Central Asia, renamed it into the First Central Asian State University (Short Russian abbreviation - *SAGU*). This name more clearly reflected the object and purpose of the university which admitted students not only from the Uzbek SSR but also from neighboring soviet Central

⁴⁶ *Tsentrāl'niy Gosudarstvenniy Archiv (TsGA RUz) Respubliki Uzbekistan, Fond R-94, Opis' 1, Delo 418, List 15.*

⁴⁷ Shigabdinov R, *Konfessional'naya Islamskaya Shkola v Uzbekistane 1917- 1921.*

⁴⁸ V.A. Tomsinov, "Crime Called Legal Department", *Zakon* 3, 2009, p 32.

⁴⁹ The idea of establishing HEI in Turkestan appeared much earlier in 1913.

⁵⁰ *Decret ob Uchrejdenii Turkestanskogo Gosudarstvennogo Universiteta v g. Tashkente* (Sovnarkom, 1920).

Asian counterparts, and subsequently, even from the socialist-friendly countries of Asia and Africa. Later in 1960, the name of the university changed to Tashkent State University named after V.I. Lenin (Short Russian abbreviation - *TashGU*). It took many years of mutual attempts of scholars from various parts of the former USSR and Tashkent to organize the work and administration of this university.

In 1921, the university integrated a Faculty of Social Sciences (*Fakul'tet Obshestvennyh Nauk*) which included the Institute of Economy and Institute of Law. It was a pioneer step towards introducing modern, non-clerical legal education. In 1924, the Bolsheviks replaced this faculty with a new Faculty of Local Economy and Law (*Fakul'tet Mestnogo Hozyaystva i Prava*). Such modification slightly increased the number of students and legal disciplines, but did not result in any major structural changes. In 1928, it was renamed to the Faculty of Soviet Economy and Law (*Fakul'tet Sovetskogo Hozyaystva i Prava*). This faculty represented a merge of two separate departments - economics, which focused particularly on the economy and administration (national economic planning), and law, which specialized in teaching legal disciplines of the transition period. One of the bright representatives of the Soviet legal intelligentsia - N.L. Lappo-Danilevskiy contributed reasonably in terms of creation and development of this faculty. Eventually, in 1947 the authorities created in the *SAGU* a separate Faculty of Law (*Yuridicheskiy Fakul'tet*) with a primary aim to train legal scholars.⁵¹

Apart from *SAGU*, in 1930, Bolsheviks established another HEI - the Central Asian Communist University named after V.I. Lenin with a department of Soviet public administration and law. It also took participation in preparation of Soviet lawyers however, only until 1934 when this university was reorganized into the Higher Agricultural School and redirected its focus from law to the economic sector.

Similarly, in 1931, a new HEI - the Scientific-Research Institute of Soviet Public Administration and Law named after Djahon Abidova came to existence with a primary aim to train qualified judges, prosecutors, bureaucrats of state apparatus, as well as scientific cadres in the field of state and law. A year later, in 1932, authorities established another HEI - the Institute of Public Administration. In 1937, these two HEIs merged into the Institute of Soviet Law which in 1938 was again renamed into the All-Union Tashkent Institute of Law subjected directly to the competence of the Commissariat of Justice, and later in 1945 to the Commissariat of Education. Eventually, in order to avoid any possible parallelism regarding research activities and to concentrate all legal scholars in one entity, in 1955 the All-Union Tashkent Institute of Law was included into the Faculty of Law of the *SAGU*. Since then and up to the fall of the USSR, the faculty remained as the largest and the most authoritative higher legal education school in the whole central Asian region.⁵²

Some scholars and practitioners who came to Tashkent from various parts of the former Imperial Russia, embarked on teaching the law in the *SAGU* in 1920-30s. Among law lecturers, there were many well-known specialists of various legal fields who were left from the previous generation of Tsarist legal scholars, including; I.N. Trepitsyn, A.M. Vinaver, V.A. Kransnokutskiy, N.N. Polyanskiy, I.I. Kryltsov, A.A. Piontkovskiy, S.P. Pokrovskiy, N.N. Fioletov, L.D. Uspenskiy, B.M. Sobberoy, B.L. Manelis, S.E. Avruh, G.M. Arenberg, M.D. Lutskiy.⁵³ In general,

⁵¹ Agzamhodjaev and Blinder, *Tashkentskiy Gosudarstvenniy Universitet Imeni V.I. Lenina. Yuridicheskiy Fakul'tet*. 8-10

⁵² *Ibid.* 8

⁵³ A. Agzamhodjaev and B. Blinder, *Yuridicheskoe Obrazovanie v Uzbekistane* (Tashkent: O`zbekistaon, 1990), 8-14.

while browsing the archival data on initial law teaching staff, one is likely to find many educators from Jewish, German and later, Slavic backgrounds as listed above. Notably, many of those brilliant scholars became pioneers in paving the way for secular legal education in Central Asia. The newly emerging Soviet authorities often considered them unreliable (or bourgeois intelligentsia), because these professors demonstrated a hidden, or sometimes clear antipathy towards Marxism and proletarian law. Furthermore, in their legal pedagogy, they mostly followed the Tsarist legal curriculum and often did not hide their pessimism about the future of the emerging concept of socialist law. Nevertheless, participation of these scholars in the initial legal education process positively contributed to the general legal knowledge and skills of many graduates. Indeed, having no other adequate alternatives in circumstances of limited human resources, the Soviet authorities had to cope up with its anti-bourgeois sentiments and employ these professors at the initial stage of formation of the newly emerging doctrine of the Soviet socialist legal education.

Furthermore, it was the period when most of these and other scholars started creating initial publications on the Soviet doctrinal and practical legal issues and local impacts. Such publications included books, commentaries and research articles in various fields of the Soviet legal science, namely; state and law, family law, civil law, criminal law, criminalistics, land law, labor law, notary law, and many other scientific works dedicated to the problems of the socialism transition period. Publishing on Soviet law in Russian and Uzbek languages became largely possible due to the launching the Justice Bulletin produced by the Legal Publishing Agency attached to the Commissariat of Justice of the Uzbek SSR.⁵⁴

The initial unpreparedness of the study process and absence in the legal education's general scope of a well-formulated objectives subsequently stimulated the Soviet government to initiate in different periods a series of reforms aimed at re-conceptualizing the curriculum and study process of the law departments within the whole USSR, including in Tashkent, so as to make it more concrete and focus oriented. These reforms each time drastically changed the profile of legal education in the Uzbek SSR making it more secular in the shape and ideological in its nature.

II.2.b. The 1926-1936 Pashukanis syllabi

While the Marxist theory of state and law profoundly affected the shape of an emerging Soviet legal education doctrine, until the end of 1920s the faculty teaching staff included non-Marxian, quasi-Marxian and Marxian followers who made the study process diverse and creative.⁵⁵ E.B. Pashukanis - a charismatic and brilliant theorists of the 'commodity-exchange school' of Marxist jurisprudence performed the central role among other Soviet legal scholars, in exercising a predominant influence on the Soviet legal education.⁵⁶ Pashukanis initiated a campaign against

⁵⁴ Agzamhodjaev and Blinder, *Tashkentskiy Gosudarstvenniy Universitet Imeni V.I. Lenina. Yuridicheskiy Fakul'tet*, 10.

⁵⁵ E. I. Kel'man, *O Sisteme Yuridicheskogo Obrazovaniya*, 1926; A. A. Plotnieks, *Stanovlenie i Razvitie Marksistsko-Leninskoy Obshey Teorii Prava v SSSR*, 1978, 114; M. M. Isaev, "O Vysshem Yuridicheskom Obrazovanii RSFSR," *Sovetskoe Pravo* No. 6 (1926): 116–118.

⁵⁶ On the commodity exchange school in the Marxist jurisprudence and withering away from law in the USSR refer further to, Michael Head, *Evgeny Pashukanis: A Critical Reappraisal* (Routledge, 2007); Stephen J. Powell, "Legal Nihilism of Pashukanis" *University of Florida Law Review* 20 (1967–1968): 18-32; Bjarne Melkevik, *Marksizm i Filosofiya Prava. Sluchay Pashukanisa* (Buenos Books America Llc, 2016); See R. Sharlet 'Pashukanis and the Withering away of Law in the USSR' in Sheila Fitzpatrick, *Cultural Revolution in Russia, 1928-1931* (Indiana University Press, 1984); William E. Butler, "Soviet International Legal Education: The Pashukanis Syllabus," *Review of Socialist Law* 2 (1976): 80.

the Tsarist and other Western legal models by referring to it as bourgeois, and constructed the initial syllabi as laid down in the theory of state and law according to thoughts of Marx, Engels, and Lenin.⁵⁷ Pashukanis and his adherents elaborated the ‘Doctrine of the Soviet State’ which stressed more political rather than legal settings and presupposed that ‘national economic plan’ should eventually replace the law with all its philosophical implications.⁵⁸ Therefore, in the initial Pashukanis’s syllabi, economic and administrative law superseded civil law and transformed traditional settings of criminal law.⁵⁹

The Moscow based Communist Academy headed by Pashukanis took a leading role in preparation and implementation of the union-wide syllabi. The curriculum included, national economy and historical materialism, the Soviet constitution, criminal law, economic law, land law, administrative law, family law, the courts, criminal procedure, and cooperative and trade union movement.⁶⁰ This curriculum also phased out legal-oriented studies on constitutional law and international law, and focused exceptionally on the ‘political infrastructure’.⁶¹ Eventually, such curriculum and Pashukanis’s widely promoted idea of ‘legal nihilism’ on the expected demise of all law in the socialist state resulted in a rapid decline in number of students wishing to study law.

Hence, the classic Marxist doctrine of withering away of state and law, which was actively supported by authoritative Soviet lawyers and which prognosed a demise of law itself in the nearest future, played a significant reason for ignoring initially the Soviet legal education and profession.⁶² Even though Bolsheviks created specialized law institutes and faculties within universities across the Soviet Union in the mid-1920s, the admissions numbers remained dramatically low. As an example, there were only 30 students studying law in the *SAGU* in 1921.⁶³ Unpopularity of legal education was additionally caused by the fact that all key positions in the state apparatus were held by Bolshevik activists, often with a poor or no educational background at all. Furthermore, the law itself was almost replaced by often radical *ad hoc* directives and instructions of the Communist Party and other Soviet political organs.⁶⁴

In the beginning of 1930s, Pashukanis and a group of associated Soviet legal scholars had to reconsider some of the views towards ‘withering of law in the USSR’. They decided to modify their theory by asserting that “state would rapidly wither away... but the flexible and expedient dimensions of law [will remain] as an instrument of revolutionary policy rather than its stabilizing role”.⁶⁵ However, by 1936 the government discredited ideas of Pashukanis,⁶⁶ including a

⁵⁷ William Elliott Butler, *Soviet Law* (Butterworths, 1983), 63.

⁵⁸ In particular, the national economic planning, industrialization and collectivization on a wholly commuted scale, as well as expectation that the Soviet Union would soon transform into a classless society will pave the way for law to be replaced by such a plan and the coercive structure. Butler, “Soviet International Legal Education,” 81.

⁵⁹ Detailed accounts provided in, ‘Pashukanis and the Rise of Soviet Marxist Jurisprudence, 1924-1930’, *Soviet Union* I, (1974) as cited from Butler, *Soviet Law*, 63.

⁶⁰ A.F. Shebanov, *Yuridicheskie vyshsie uchebnye zavedenia [Legal Educational Institutes]* (Moscow: Higher School, 1963), 44.

⁶¹ Butler, *Soviet Law*, 63; Head, *Evgeny Pashukanis*, 93.

⁶² On Marx refer to, Edward Lea Johnson, *An Introduction to the Soviet Legal System* (Methuen, 1969), 69-70.

⁶³ Agzamhodjaev and Blinder, *Tashkentskiy Gosudarstvenniy Universitet Imeni V.I. Lenina. Yuridicheskiy Fakul'tet*. 8

⁶⁴ George E. Glos, “Soviet Law and Soviet Legal Education in an Historical Context: An Interpretation,” *Review of Socialist Law* 15 (1989): 255.

⁶⁵ Butler, *Soviet Law*, 63.

⁶⁶ On Pashukanis, Krilenko and other’s discreditation, refer further to A. Y. Vyshinskiy, *Doklad Vyshinskogo, Osnovnie Zadachi Nauki Sovetskogo Sotsialisticheskogo Prava* (Moskva: Yuridicheskoe izdatel'stvo, 1938), 9-15.

replacement of a civil law with a course in administrative-economic law, and his nihilist views on the rights of the individual in the society where socialist progresses as counter-revolutionary.⁶⁷

II.2.c. The 1937-1960 Vyshinskiy's structure of the Soviet legal education

In 1937, the Soviet government, in light of its recent criticism on Pashukanis's legal curriculum, initiated a reorganization of legal education system. A successor of Pashukanis, A.Y. Vyshinskiy - a very controversial personality in the Soviet history, took a leadership in the policy of reshaping the Soviet legal profession with a view to 'reanimate' higher legal education and ensure a policy of 'stability of laws'.⁶⁸ Initial reforms targeted centralization of legal education by tying it further to state organs and abolishing any freedom regarding the curriculum and finances. In line with the policy of centralization, by 1937, the People's Commissariat of Justice of the USSR, and the Committee for Higher Schools [Education] of People's Commissars of the USSR assumed principal responsibilities and control over legal education in the USSR.⁶⁹ In Uzbek SSR, the local Commissariat of Justice (a prototype of MOJ), and the Commissariat for Education (a prototype of MOHSSE) directly exercised a dual control over the education process at then the Faculty of Local Economy and Law of the *SAGU*.⁷⁰

The Commissariat of Justice appointed the director or dean of the faculty, set up an admissions quota, and placed an order for specification and skills of future graduates. The Committee for Higher Schools, in close cooperation with the Commissariat of Justice, prepared a curriculum, textbooks, courses of law, as well as defined who and how will conduct actual legal teaching.⁷¹ Hence, the Commissariat of Justice acted as a principal body which placed and order, and the Committee for Higher Schools as a supervisor of legal education process. In such circumstances, HEIs did not have much space to alter educational process independently.

Both male and female candidates between 17-34 who obtained middle school certificate (a total of ten years of school education) could apply for law faculty of the *SAGU*. Candidates of non-proletarian, peasant background could not apply for HEIs, until the government lifted such restriction at the end of 1935. Entrance exam included the Russian language (grammar and literature); mathematics, and political education (classics of Marx, Engels, Lenin, Stalin).⁷² Candidates who demonstrated the highest results in the entrance exams secured their placement in the law faculty. Some candidates with excellent middle school progress record entered without taking admissions exam. Worthless to mention that initially a profession of lawyer in the Soviet Central Asia was only accessible to the Slavic population as the whole education process was in Russian language. Many enrolling students often combined their legal job with a legal study.

Vyshinskiy restored the civil law as a separate legal discipline in the curriculum which formerly offered only a short course on economic-administrative law. In general, a newly formed four-year curriculum offered a dichotomy between general and specialized training. The general course included mainly the politically oriented disciplines, like Marxism-Leninism,⁷³ or Soviet

⁶⁷ John N. Hazard, "Legal Education in the Soviet Union," *Wisconsin Law Review* 1938 (1938): 572.

⁶⁸ The USSR adopted its 1936 Constitution which symbolized a transition to the 'policy of stable laws'. In other words, it symbolized rejection of Pashukanis's views of 'withering away of law' and 'legal nihilism'. Butler, *Soviet Law*, 62.

⁶⁹ *Sobranie Zakonov SSSR (1936) I, No 40, art 338 and No 27, art 250, 1936.*

⁷⁰ *Ibid.*

⁷¹ Butler, *Soviet Law*, 64; Hazard, "Legal Education in the Soviet Union," 563.

⁷² "Sparvochnik dlya postupayushih v Yuridicheskie Instituti. [Reference Book for Persons Entering Judicial Institutes]" (Yuridicheskoe izdatel'stvo N.K Yu. SSSR. Moskva, 1937).

⁷³ Application by Lenin the Marxian method of analysis of historical economic conditions.

Communist party, whereas specialized training focused on teaching law as such.⁷⁴ In turn, legal curriculum stipulated a wide range of legal disciplines offering a general knowledge to students who wished to work as judges, prosecutors⁷⁵, and practicing advocates, and those who intended to work as a lawyer or labor inspector at the economic sector.⁷⁶

First Year		Second Year		Third Year		Fourth Year	
Political Economy; History of the Communist Party; Theory of State and Law; Military Science; Latin; Foreign Language;	Political Economy; History of State and Law; Soviet Public Law; Philosophy; Military Science; Latin; Foreign Language;	Political Economy; Philosophy; History of State and Law of the USSR; Public Law of Capitalist States; Soviet Administrative Law; Foreign Language;	Leninism; History of Political Science; Financial Law; Judicial Institutions; Criminal Law; Civil Law; Foreign Language;	Bookkeeping and Accounting; Civil Law; Criminal Law; Civil Procedure; Criminal Procedure; Court Statistics; Foreign Language;	Criminal Law; Labor Law; Land-Collective Farm Law; Criminal Procedure; Civil Procedure; Foreign Language;	Civil Law; Criminal Law; Labor Law; Land-Collective Farm Law; Criminology	Criminology; Court Medicine; Court Psychiatry; International Public Law; Conflict of Laws;

Table 2.1: A typical Soviet law curriculum. One year is divided into two semesters. Curriculum contains both general and specialized disciplines. (1937-38).⁷⁷

A top-down, *ex-cathedra* lecture remained the dominant method of teaching law. Students had to compulsorily attend all lectures and take notes (*konspekts*) which they later used in the practice-oriented, discussion sessions and exams. Faculty members held weekly office hours for providing additional advice and extra-training to students. As a part of curriculum, law students also had a chance to participate at open trials a couple of times per year or directly discuss case details with judges or prosecutors visiting law faculty for lectures. It was also a period when law faculties across the USSR started experimenting with dispatching students to regular internships (*praktika*) to courts, prosecutors' offices and enterprises to take direct participation in legal affairs. Such training proved effective because many students after returning to the study process brought many cases in their mind which they later often raised in classroom discussions.

In the after-war period, the government slightly reformed the legal education and opened several new law faculties in other territories of the Soviet Union. In general, the admissions, curriculum, teaching methods and graduation requirements remained untouched except

⁷⁴ Hazard, "Legal Education in the Soviet Union.", 569.

⁷⁵ However, some statistical data shows that between 1930-40 more than a half of the judges and prosecutors in the USSR did not have a higher legal education. Despite continuous efforts taken by the Soviet authorities to train professional lawyers, many could not graduate law faculties and continued working without proper qualification. Despite efforts taken, by 1935 many state officials working in state law enforcement bodies still did not have an adequate legal education. (55-60 percent of prosecutors did not graduate from law institutes; 40 percent of judges did not have legal education). However, this fact did not always raise serious concerns, as person's social class background (being from proletarian background) and revolutionary views for the law were always perceived as the most important factor rather than his legal skills and ability to apply the law properly. *Soviet Justice*, No 14, 1937.

⁷⁶ By 1936, there were four types of legal education entities to become legal professionals; (1) Higher Judicial Courses (for top level officials), (2) Law departments of universities (For example, in *SAGU*), (3) law institutes and (4) Moscow-based Central Distance - Learning Institute of Soviet Law. Furthermore, to train to train 'low-level' legal professionals, such as; court clerks, referents of the prosecutor's office, secretaries of courts and other technical staff in the administrative and juridical organizations, the so-called "elementary legal education system" was created. Refer further to, I.I. Oleynik ., O.U. Oleynik, *Firming of system of training of legal professions in Soviet Russia After V.I Lenin*, 2005, Ivanovo State Energetic University, 144.

⁷⁷ Hazard, "Legal Education in the Soviet Union." 571

introduction of several new disciplines such as Roman law and Scientific Communism. Hence, the development under the Vyshinskiy have shaped the actual form of the Soviet legal education and, in to some extent, stipulated its further development trajectory.⁷⁸

II.2.d. The 1960-1980 legal education

Until 1960, for many young people from the whole Central Asia and other regions of the former USSR wishing to study law and obtain their legal profession, the Local Economy and Law faculty of the *SAGU* was the only suitable option. In 1960, after specialized higher education entities started opening in other parts of the Soviet Central Asia, the *SAGU* was renamed to the Tashkent State University named after V. I. Lenin (*Tashkentskiy Gosudarstvenniy Universitet (TashGU)*). Although during this period, law faculties appeared in Dushanbe, Almaty, Ashgabat, and Frunze (former name of Bishkek) the renowned faculty of law of the *TashGU* remained as the oldest and most authoritative in the Central Asian region regarding its outstanding professors and legal research achievements.

Since the end of 1950s and up to 1973, the Communist Party gave more attention to the legal education reform and adopted several decrees, such as the Statute on Higher Educational Institutions of 1969, and the Fundamental Principles on Public Education of 1973.⁷⁹ The system of legal education underwent further centralization regarding its top-down management by the Soviet ministries of education and justice. Furthermore, it was the time when law faculty faced an influx of young scholars who were educated and professionally raised in socialist legal realities.

Furthermore, in 1974 authorities created the Faculty of Law in the Samarkand State University, and in 1977 a small department of law within the Faculty of History in the Nukus State University. In 1977, the Tashkent Legal Vocational School, a non-HE entity, started implementing its training program for legal clerks and court secretaries. Earlier in 1971, the MOJ of the Uzbek SSR established special Qualification Training Courses for its staff. The Faculty of Law of the *TashGU* played a dominant role in elaborating study programs and educational process in all mentioned entities. Moreover, the teaching staff in all mentioned entities involved mainly the graduates of the faculty.⁸⁰

Admissions rules remained the same with the exception of admissions exam which now included the Russian or Uzbek language and literature (written and oral), history of the USSR (oral), and oral exam in one of foreign languages (English, German or French).⁸¹ The length of education ranged between four to six years depending directly on the form of education; Full time which could be completed in four years, evening education took usually five to six years, and distance education - not less than six years.⁸² Most of the short-term programs which existed before and aimed at professional legal training or re-training were terminated.

As everything in the former USSR, the admissions to the *TashGU*'s faculty of law was a subject to a governmental plan (quota) that determined the fixed number of admissions placements in the regional perspective. Certain groups, for example, military personnel could enjoy a

⁷⁸ *Decree on the Broadening and Improvement of Legal Education* (Central Executive Committee of the CPSU, 1946).

⁷⁹ *Decree of the Council of Ministers of the USSR on Fundamental Principles of Legislation of the USSR and the Union Republics on Public Education*, 392 (Ved. SSSR, 1973); *The Statute on Higher Educational Institutions of the USSR* (Ved. SSSR, 1969); Refer also to the statute, *On Strengthening the Bond between School and Life*, 1958.

⁸⁰ Agzamhodjaev and Blinder, *Yuridicheskoe Obrazovanie v Uzbekistane*.

⁸¹ *Order of the USSR Ministry of Higher and Secondary Specialized Education on Rules of Admission into HEI of the USSR (Biulleten' Min'Visshhego i Srednego Spetsial'nogo Obrazovaniya SSSR No 5, 1980)*.

⁸² Via corresponding courses of institution based in Moscow.

preferential treatment and enroll directly without exam and regardless of the admissions quota.⁸³ As elsewhere in the former USSR, the education, was free of payment, therefore students of the Law faculty had no requirement to cover their admissions or tuition fees. In turn, the government paid a stipend which could be decreased or entirely eliminated if student fell back in his grades.

The Communist Party introduced into curriculum on a mandatory basis a great number of non-legal disciplines, mainly those dealing with Marxism-Leninism, such as; political economy and the history of the communist party, scientific communism, fundamentals of scientific atheism, history of political doctrines, philosophy, logic, foreign language.⁸⁴ Legal pillar included; the theory of state and law, general history of state and law, Roman law, Soviet state (constitutional) law, fundamentals of the Soviet system, state law of foreign socialist states, state law of bourgeois countries, Soviet administrative law, Soviet civil law, civil procedure law, Soviet criminal law, criminal procedure law, criminology, criminalistics, prosecutors surveillance in the USSR, courts and justice in the USSR, Soviet labor law, family law, and some other legal disciplines.

At the end of each course, students had to take oral examinations in every discipline taught and, in case if successfully passed, could complete the whole course and proceed to the next. Exams consisted of several theoretical questions derived from lectures and written on cards which student had to choose randomly. On a designated day, a student appeared before the board of professors, picked a card with questions and, after taking some preparations, had to provide oral answer. In the final year, students had to draft a graduation paper in their chosen areas and defend in in front of the board of professors and lecturers. As a part of the requirement for graduation students took state exams on the history of the communist party, theory of state and law, Soviet criminal law, Soviet civil law and one legal discipline depending on the major.

In the former Soviet Union, the government implemented a graduates' employment allocation system (*Raspredelenie*) which assigned every person who had just graduated from the HEI a job placement according to his specialization but in a randomly chosen region of the country. Except only a handful of excellent law graduates, others had no right to choose character of job and its location. Once assigned the job, every graduate, whether he liked the job or its location or not had to work in assigned place obligatorily at least for three years. Upon completion of this period, a person could continue working in the same place or change a job according to own preferences. Usually, given a shortage of qualified lawyers in Central Asian region, many law graduates from other former union republics often received their initial job assignments in this region.

The 1960s was exactly the period when most of the Soviet codified legislation came into force. For example, civil and civil-procedure codes, criminal and criminal-procedural codes, labor code, and administrative offences' code influenced the legal education process which hereinafter focused more on the system of codified law and unified, mechanical application of its provisions.⁸⁵ To be more specific, the curriculum of legal subjects focused basically on following the system of codes and unified application of law.⁸⁶ Most of the specialists after graduating the course, could actually rely on their knowledge and skills obtained at the university because for the rest of their

⁸³ Refer further to details to, Glos, "Soviet Law and Soviet Legal Education in an Historical Context.", 258.

⁸⁴ Curriculum included some social and humanitarian studies: Philosophy, logic, foreign language, political economy and history of the Communist Party... A. F. Shebanov, *Legal Educational Institutes.*, 151-152

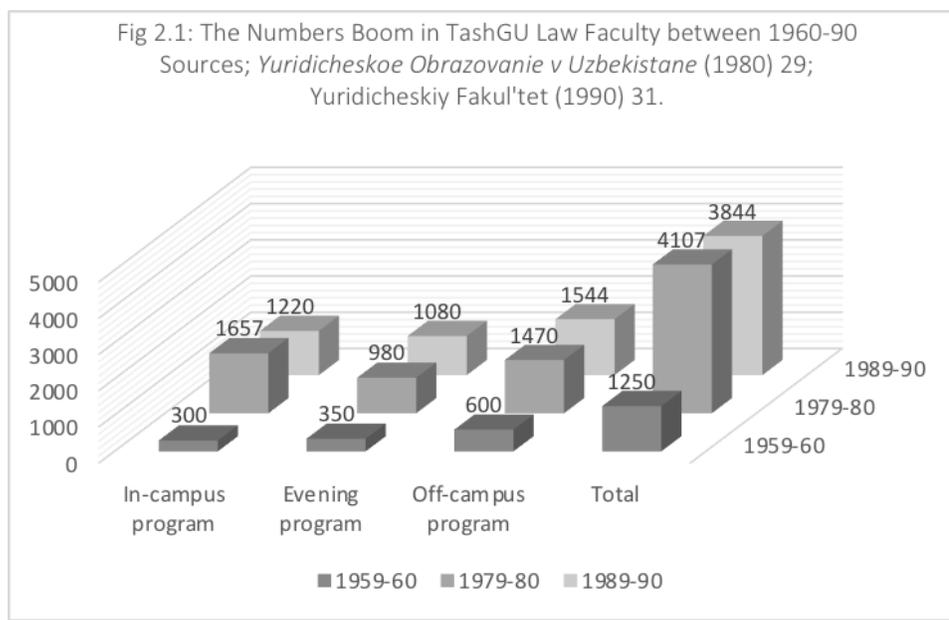
⁸⁵ The adoption of a number of the Soviet codes (Civil, Civil-Procedure, Criminal, Criminal-Procedure, Labor, Administrative Offences Code) in 1960s is known as a period of formation of the Soviet legal doctrine and legal educational model.

⁸⁶ Furthermore, the Soviet law curriculum devoted many subjects and auditory hours to the non-legal, but Marxism-Leninism (the Communist) ideology-oriented disciplines.

professional career as judges and prosecutors, they just mechanically applied a codified law which remained constantly stable into actual cases. As the Soviet law did not presuppose application or analysis of the case law, it made the life of legal professional easier and less stressed as compared to the lawyers in the Western hemisphere.

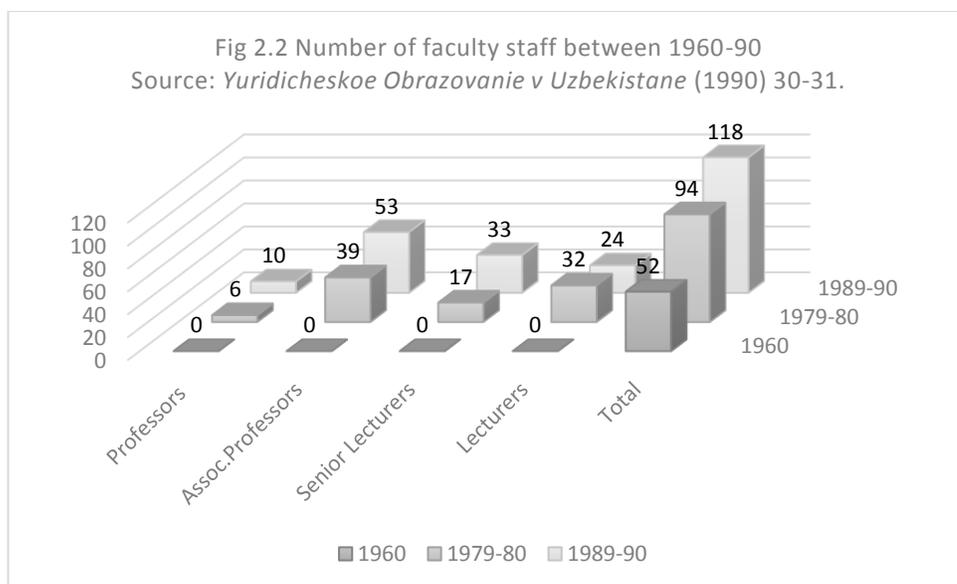
II.2.e. Numbers and Law chairs

While in 1921 there were 30 students studying law in *TashGU*, in 1923, 71 students graduated with a degree in law. The rapid growth in numbers came in the post-war period, for example in the 1959-60 academic year the total of 1250 students studied in the law faculty. In general, up to the end of 1980, the law faculty experienced the numbers boom in its admissions with 4107 students in the faculty in 1980 as the top record. To accommodate the needs of the faculty for training such a big number of students, the law faculty created three departments; in-campus (*Ochnoe otdelenie*), off-campus (*Zaochnoe otdelenie*) and evening department (*Vechernee otdelenie*). While in-campus was a conventional study program which presupposed a student's obligatory participation in all classes which started in the morning and finished in the evening, in the off-campus program, enrolled students studied law while continuing their job in law-related public agencies. As a rule, off-campus students visited the faculty only several times per academic year to participate in short-term courses and pass relevant exams. The evening program offered legal education for people who usually worked in the morning and thus, could not take classes except the evening time. While it was convenient in terms of time and provided intensive courses in law, its length was one year longer than that of in-campus.⁸⁷



Increased admissions numbers and the scope of scientific legal work resulted similarly in the rapid growth of faculty staff. (Refer to the figure below)

⁸⁷ Agzamhodjaev and Blinder, *Tashkentskiy Gosudarstvenniy Universitet Imeni V.I. Lenina. Yuridicheskii Fakul'tet*.



Within the faculty, headed by a dean, a key structural unit were the chairs of law created for particular branches or legal disciplines. A chair was headed by professor who grouped around himself associate professors and law lecturers of a similar specialization. By 1980, there were 12 chairs which integrated mainly disciplines on Marxist - Leninist history and theory of state and law as well as interdisciplinary law chairs. (Refer to the table below)

Name of the chair	Number of staff
Theory of State and Law	10
History of State and Law	7
State Law and Soviet Public Administration	11
Administrative and Financial Law	11
Civil and Economic Law	11
Civil Process	7
Labor Law	7
Environmental and Agricultural Law	7
Criminal Law	14
Criminal Process	16
Criminalistics and	11
Soviet Law	7

Table 2.2: Chairs and number of staff (1990). (By 1960 there was also *Land and Kolkhoz Law Chair*) Notably, scientific work of the faculty fell within the competence of the so-called Faculty Council composed of 30 people. Source: Compiled from *Yuridicheskoe Obrazovanie v Uzbekistane* (1990) 31-43.

II.2.f. Methodological aspects of education

Study process was divided into two aspects general and specialized training. While general training included social-humanitarian (predominantly non-legal) disciplines, a specialized part focused on legal training and contained three categories: state law, courts and prosecution, and economic law. Specialized training started from the third year up to which student mainly focused

on general subjects and Marxism-Leninism oriented training as an essential element discovering the object and purpose of the whole socialist legal system.

Teaching methods included a top-down *ex-cathedra* lecturing. By referring to the number of guidelines and publications on the law teaching methodic from local scholars in both Russian and Uzbek languages, one may observe that faculty paid a sufficient attention to the control on the quality of teaching.⁸⁸ It became a long-standing tradition at the faculty to organize annual scientific-theoretical conferences dedicated to the improvement of law teaching methods. Furthermore, leading scholars frequently organized special courses and critical discussion sessions for young lecturers to level up their skills in teaching legal disciplines. Many lecturers underwent internships in the Faculty of Law in the Moscow State University and Soviet law-enforcement agencies. Such an active approach greatly contributed at the end of 1980s to introduce certain new methods in into the study process, in particular, independent study, as well as laboratory and practical activities.⁸⁹

An important aspect of successful teaching law in *TashGU* was often associated with the fact that majority of its staff took frequent participation in *travaux preparatoires* of many fundamental laws, including the 1978 Constitution of the Uzbek SSR. Furthermore, many law scholars working in *TashGU* were members of various working and review commissions on emerging and existing legal codes. A rich experience gained from such membership often served as an invaluable material for lectures and seminar discussions with students.⁹⁰

II.2.g. Scientific research and international cooperation.

In the process of research, legal scholars paid their main attention to the problems of the socialist law and state, Soviet democracy, and organizational aspects of the public institutions. Many scholars also researched the issues of history of state and law, especially the Soviet statehood building in Uzbekistan, the formation of its administrative units and legal-political development of the Karakalpak autonomous SSR. Such a state-centrist legal research often followed strict guidelines and objectives highlighted in historical decisions of the Communist Party of the USSR, and public speeches of the Secretary-General.

The faculty contained a special organ, the Research Commission, whose task included examining research proposals and control on their effectiveness upon final approval. While research in the faculty generally presupposed development of the socialist scholarship on state and law, this commission often admitted other proposals which had indirect link; for example; internationalism in public administration, ideological aspects of the foreign relations. Many scholars who worked in the faculty in the Soviet era assert that public funding regarding legal research was incomparably higher and networks between legal scholars, particularly those with socialist states, were much wider as compared to the present situation. Indeed, some numbers calculated by compiling existing archival sources demonstrate a high number of published research

⁸⁸ For example; Agzamhodjaev A.A., *Nekotorie Osobennosti Podgotovki i Chteniya Lektsiy* (TashGU, 1976); Agzamhodjaev A.A., *O Metodike Podgotovki i Chteniya Lektsiy Po Yuridicheskim Distiplinam* (Fan, 1975); Sarkisyants G.P., *O Metodike Uchebno Vospitatel'noy Raboti so Studentami Zaochnikami* (Fan, 1978); Urazaev Sh.Z., G.M. Tansykbaeva, and Z.M. Islamov, *Metodicheskie Rekomendatsii Studentam Pervogo Kursa Po Izucheniuy Teorii Gosudarstva i Prava* (TashGU: 1978.); B.A. Blinder, *Metodika Chteniy Lektsiy Po Ugolovnomu Pravu i Kriminologii* (M, 1977).

⁸⁹ Agzamhodjaev and Blinder, *Yuridicheskoe Obrazovanie v Uzbekistane*. 46.

⁹⁰ Agzamhodjaev and Blinder, *Tashkentskiy Gosudarstvenniy Universitet Imeni V.I. Lenina. Yuridicheskiy Fakul'tet*. 77.

data. As an example, between 1960-79 local scholars published 22 monographs, five commentaries to codes, many peer-reviewed articles and books written by both single authors and in co-authorship. After 1980 and up to 1990, the research produced by the faculty members remained high in the Soviet Union, both qualitatively and quantitatively.⁹¹ Another high achievement included organization within the faculty of a special council on doctoral dissertations (D.Sc.) on; state law and administration, administrative law, financial law, Soviet administration, criminal law, criminal process.

The faculty maintained close partner relations with law faculties in other, mainly socialist-oriented countries. For example, by 1980, *TashGU* maintained several exchange programs with Sophia University (former Peoples Republic of Bulgaria), and some universities in former Socialist Federative Republic of Yugoslavia. Apart from that, many professors and law lecturers participated in regular conferences in Albania, Algeria, Hungary, Mongolia, Yemen, and Vietnam. Furthermore, the faculty often admitted students from socialist-friendly Vietnam, Laos, and Mongolia for graduate research. Even though the faculty maintained certain links with international partners, main research and education cooperation concentrated within the Soviet Union, namely with law faculties in Moscow, Kharkov, Riga, Baku, Sverdlovsk.⁹²

II.3. Legal Research

Legal research in the Soviet Uzbekistan was a planned research tied to the economic and social programs of the Communist party, and, therefore enjoyed a well-organized and adequate funding from the government. Unlike in many western countries, Soviet scholars did not carry out highly individualized research within law institutes or faculties, but rather, concentrated within scientific research institutions. While university teaching community undertook certain research activities in the law faculty, such as drafting textbooks, education guidelines, and curriculum development, the scientific research covering post-graduate legal studies and highly sophisticated legal research fell exceptionally within the competence of local or union level law research institutes.⁹³

II.3.a. The Muminov Institute of Philosophy and Law of Uzbek SSR Academy of Science⁹⁴

This institute was founded in 1958 on the basis of the Department of Philosophy and Law affiliated with the Presidium of the Uzbek SSR Academy of Sciences, and played the most important and prestigious scientific research institution in the field of law in the Uzbek SSR.⁹⁵ As it may be obvious from its name, the structure of the institute was composed of two departments; philosophy, and state and law, which subsequently contained own sections. (Refer to the table below)

⁹¹ Ibid.,

⁹² Agzamhodjaev and Blinder, *Yuridicheskoe Obrazovanie v Uzbekistane*. 57.

⁹³ Butler, *Soviet Law*, 72. This institute functioned until it was transformed into Center of Legal Research under the TSUL. (Refer to next section)

⁹⁴ Academician A.I. Muminov (Uzbek SSR Academy of Sciences) organized and initially directed this institute.

⁹⁵ Blair A. Ruble and Mark H. Teeter, *A Scholars' Guide to Humanities and Social Sciences in the Soviet Union: The Academy of Sciences of the USSR and the Academies of Sciences of the Union Republics* (M.E. Sharpe, 1985), 236.

The State and Law Department

- Theory of state and law
- Comparative state studies
- Public law and administrative law
- Soviet governmental structure
- Civil law and legal procedure
- Economic law
- Legal problems in marriage and the family and in labor law
- Land and water law for collective farms and legal problems in the exploitation and preservation of natural resources
- Criminal law and legal procedure

The Philosophy Department

- Dialectical materialism
- Historical materialism
- Problems of scientific communism
- The history and logic of science
- The theory of reflection and scientific cognition
- Philosophical problems of socialist internationalism and national relations
- Problems of scientific atheism and atheistic education
- Applied sociology
- Problems of ethics and aesthetics
- History of sociophilosophical thought
- Sociological thought in the countries of the non-Soviet Orient
- History of atheism and free thinking

Table 2.2: Institute of Philosophy and Law of Uzbek SSR Academy of Science Departments and their sections.

The institute employed a staff exceeding 100, including technical personnel, ten of whom were professors with a DSc degree and 30 candidates of sciences. It was an autonomous research institute which guided the research on socialist governmental structure in Uzbek SSR, theory and history of the Soviet state and law, legal regulation of property relations, preparation of scientifically grounded recommendations for improving Soviet legislation and many other fields of legal research. Its members regularly participated in international scientific and scholarly conferences and symposiums as well as maintained links with many research and educational institutions in Moscow, Leningrad and other republics.⁹⁶

II.4. The Initial Post-Soviet Environment

The fall of the Soviet Union and a transition towards market economy required reorienting the HE system to educate people who would work in the new economic and social conditions. The Uzbek model of transition presupposed a gradual, step by step approach in implementing wide-scale public reforms, including in the HE fields, with the state playing a dominant guiding role at the center.⁹⁷ Notably, people who formed a newly independent government in Uzbekistan, in their

⁹⁶ *Ibid*, 237.

⁹⁷ A gradualist approach to transition is widely reflected in books of Islam Karimov such as, [*On the way of Modernization of the country and development of economy*] *Mamlakatni modernizatsiya qilish va iqtisodiyotimizni*

majority represented mainly a former socialist *nomenklatura* class. Obviously, therefore “... Uzbekistan’s general approach to HE reforms has been described as top-down and strictly centralized, offering little or no autonomy to HEI’s in matters concerning course design, student intake and management of own finances.”⁹⁸

Following independence, as in many other parts of the former Soviet Union, there has been a visible increase in the popularity of legal education in Uzbekistan. In the Soviet time, it was only a small law faculty of *TashGU* which produced a combined total of less than hundred students each year. Even though the government did not create conditions for setting up private HEIs as comparatively to many other countries of the former USSR, since 1991, it set up new faculties in the public universities in Samarkand, and Nukus (Karakalpak State University). Furthermore, Uzbekistan launched its first institute of law (Tashkent State Institute of Law) and the Faculty of International Law in the University of World Economy and Diplomacy.

As the number of law departments increased, legal education and profession became more prestigious, and many parents wished that their children would graduate as lawyers. Furthermore, the creation of the contract-based study (based on a paid-tuition fee) system within those institutions allowed many applicants even with unsatisfactory marks or low entrance exam scores to enroll on a paid base. Another reason why demand not only to legal, but higher education in general increased, is because young population attempted to avoid a difficult, non-qualified job market and some men thought that enrollment into higher education institution will help to avoid an obligatory military service.

Reforms of the legal education in the initial years however did not result in any sudden structural changes as they simply contained no concrete reflections of the government’s views and detailed strategy towards higher education policy yet. Therefore, until certain period, the entire higher legal education system remained widely untouched, with the exception of termination of Marxist-Leninist philosophy and Scientific Communism. The rest of the disciplines existed in the same way as they used to during the last years of *perestroika* period.

In 2000, the *TashGU* was renamed into the National University of Uzbekistan named after Mirzo Ulugbek. Between 2000 - 2013, its faculty of law, as well as those in Samarkand and Nukus usually offered the following majors in their four-years undergraduate programs;

Civil law and civil process;
Criminal law and criminal process;
National idea, basics of spirituality and legal education;
The theory of state - law and administration;
Basics of state and law, environmental law;

Table 2.3: Shown majors were available in both Russian and Uzbek languages. In case of Nukus State University – in Karakalpak language. Furthermore, law faculties contained master’s programs with a total duration of two years.

In 2013, as a result of reforming the Tashkent State Institute of Law (TSUL) and enlarging its capacity into the law university level, the faculties of law in the National University of

barqaror rivozhlantirish yo`lida (Uzbekistan, 2008); I. A. Karimov, *Uzbekistan on the Threshold of the Twenty-First Century: Challenges to Stability and Progress* (St. Martin’s Press, 1998).

⁹⁸ John C. Weidman and Brian Yoder, “Policy and Practice in Education Reform in Mongolia and Uzbekistan during the First Two Decades of the Post-Soviet Era,” *Excellence in Higher Education* 1, no. 1&2 (December 31, 2010): 57–68.

Uzbekistan and Samarkand State University ceased to exist.⁹⁹ A legal education in the Karakalpak State University is rather not focus-oriented as it is delivered in a combined Faculty of History and Law.¹⁰⁰ Hence, up to the present there are left only two domestic HEIs in Uzbekistan which offer graduate and undergraduate degrees in law and their detailed image will be presented in the next chapters.

Sub-Conclusion to the Chapter

If one takes a closer look at the Soviet era legal education, regardless whether in Central Asia, Russia, or Caucasus, it is possible to highlight several distinguishing points. First, legal education in the Soviet Union was very state-centered. In other words, curriculum, the main objectives of studying law as well as the admissions quota strictly followed the state needs. Such needs were dictated by the Communist Party and other central Soviet official bodies. It is therefore the Soviet legal curriculum mandatorily contained such disciplines as the theory of state and law and the general history of state and law. In such circumstances, the positivist, state-centrist model existed as the only acceptable doctrine applicable to state and its legal system. Another distinguishing point was a mandatory system of distribution of graduates among local, regional and central law enforcement bodies. The graduates were obliged to work in the court, prosecutor's office, or any other juridical organization. Having used the public money for own education and stipend, any student upon his graduation was a subject of a governmental mandatory employment system. Such employment could only be changed after having worked for a particular amount of time.¹⁰¹

Many scholars assert that the legal education in the Soviet Union put a dominant emphasis on Marxism-Leninism, but not on law.¹⁰² In fact by referring to the admissions (applicants' devotion to the communism), curriculum, and graduation requirements, one may easily notice that many politically-oriented disciplines dealing with the Marxist theory of political economy and theory of development of social classes and other non-legal subjects existed in the Soviet legal curriculum at the expense of legal study. While such critics might be fair for the Russian case, where state-controlled socialist legal education replaced a relatively free one which existed under the Tsarist system, in Central Asian case, and particularly in Uzbekistan's first law faculty, the introduction of a secular, socialist legal education instead of the previously existing Islamic legal education came out as an ambitious project which totally transformed this country's legal profile.

A heritage from the socialist past indeed formed a solid base for a newly emerging legal education system in Uzbekistan. Even though changes have taken place as a result of independence policies, for example, four law faculties and one profile law university were established, nevertheless the higher legal education was modeled predominantly on the Soviet system, however contained a sociology of law approach which would not enable students to specify and understand contradictions occurring in transitional Uzbekistan. In such circumstances, short and long-term issues concerning cultivating interculturally-competent and internationally-minded legal scholars and practitioners arose, and legal education in Uzbekistan has started very slowly gravitating towards globalization. This tendency has especially intensified as a direct result of assistance

⁹⁹ Refer to further chapters for details.

¹⁰⁰ Although it grants the degree in law, the curriculum remains heavily state-centrist and, as a fact, not purely legal. Refer further to <https://karsu.uz/en/faculties/faculty-of-history-and-law.html>

¹⁰¹ *Law of September 15, 1933* (Sobranie Zakonov SSSR, 1933), I, No.56, art 356.

¹⁰² Glos, "Soviet Law and Soviet Legal Education in an Historical Context.", 264.

projects initiated by developed donor-states. For instance, the first wave of interest in transforming legal culture and institutions in Uzbekistan was initiated in 1990th by the U.S. - funded projects which primarily emphasized on directly exporting its own law and legal education doctrine. Later, Germany started projects of legal transplantation of Western concepts of "democracy," "rule of law," and "human rights." After 2000, Japan launched its legal assistance program to Uzbekistan with a goal of providing necessary information and resource training in the process of transition from socialist to a market-oriented economy.

III. Tashkent State University of Law (TSUL): From Theoretical Aspects to Practicality

Introduction to the Chapter

In March 1991, by then the Cabinet of Ministers under the President of the Uzbek SSR established the Law Institute within the Tashkent State University named after V. I. Lenin (*TashGU*).¹⁰³ After several month, in August 1991, it was re-organized as a separate HEI - the Tashkent State Institute of Law (TSIL) and attached to the Uzbek Ministry of Justice (the MOJ).¹⁰⁴ Since its establishment in 1991 and up to 2013, the TSIL produced law specialists for state services: law enforcement, courts and administrative bodies, and strongly reproduced the Soviet style approach of legal education and legal professional training.



Image 3.1: The TSUL, Façade.

In 2013, given a widely static condition of legal education and preparation of legal professionals in the TSIL, the government re-organized it into the Tashkent State University of Law (TSUL) and initiated wide scale reforms by attracting a small group of young specialists with predominantly international legal educational background.¹⁰⁵ The TSUL became one of the first HEI in Uzbekistan to enjoy a higher degree of freedom from the MOHSSE in terms of composition of curriculum, teaching style and research. Hence, since 2013 and after recent reforms in 2017, the TSUL started showing some positive signs of gravitating towards internationalization and modernization of the higher legal education in Uzbekistan.

Due to the tremendous increase in popularity of legal education and work in law enforcement agencies in Uzbekistan, the TSUL has been remaining as one of the most prestigious universities with the highest admissions score record. However, notwithstanding far reaching reforms, the TSUL has been facing shortage of adequately trained teaching staff and bureaucratic barriers, created additionally by public agencies such as MOHSSE which eventually slows down the promotion process of modern legal educational trends. Another critical aspect is a visible monopolization of legal education in light of the fact that establishment of the TSUL as a university in 2013 terminated law faculties in the former *TashGU* and Samarkand State University (*SamGU*).

Faculties (Directions)

As of September 2018, there are five directions at the LL. B level; (1) State (public) law (*Gos Pravo*) (2) Civil law, (3) Business law, (4) Criminal law, and (5) International law. LL.M

¹⁰³ *Postanovlenie Kabinetov Ministrov pri Prezidente Uzbekskoy SSR N 73 Ob Organizatsii Yuridicheskogo Instituta pri Tashkentskom Gosudarstvennom Universitete im. V. I. Lenina*, 1991.

The law faculty of the *TashGU* provided initial material basis for the Law Institute.

¹⁰⁴ *Postanovlenie Kabinetov Ministrov pri Prezidente Uzbekskoy SSR N 221 O Preobrazovanii Yuridicheskogo Instituta pri Tashkentskom Gosudarstvennom Universitete im. V. I. Lenina v Tashkentskiy Gosudarstvenniy Yuridicheskiy Universitet*, 1991.

¹⁰⁵ *Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniyu Sistemy Podgotovki Yuridicheskikh Kadrov*. June 28, 2013; *Postanovlenie Prezidenta Respubliki Uzbekistan 2932 O Merah Po Korennomu Sovershenstvovaniyu Sistemi i Povisheniyu Effektivnosti Podgotovki Kadrov v Tashkentskom Gosudarstvennom Yuridicheskoy Universitete*. April 28, 2017.

programs offer specialization on (1) State (public) administration (*Gos upravlenie*), (2) Labor and employment law, (3) Theory and practice of criminal law, (4) Law and business, (5) Financial and legal monitoring, and (6) Law and IT. The TSUL also offers doctoral (Ph.D. and D.Sc.) courses on multiple legal disciplines. Furthermore, the TSUL incorporates Center for Retraining and Improving of the Qualification of Law Instructors, and the Center of Legal Research.¹⁰⁶

III.1. Undergraduate level (LL. B)

III.1.a. Admissions and selection (requirements and entrance exam, admission numbers, state-sponsored grant/contract-based study, stipend, classification by language/regions/gender)

Requirements and entrance exam

A candidate applying to the TSUL is required to have completed a full 11-year program of secondary education or be a graduate from secondary special or vocational institution (college or lyceum). As a part of application documents, an applicant is also required to submit a medical certificate on the prescribed form, the passport or certificate of birth (for those who have not reached 16), and application with the indication of direction and language of education.¹⁰⁷ Before all candidates had to submit their application documents directly to the TSUL's admissions commission based in Tashkent, but in order to simplify the process, starting from 2018, documents can be submitted via Public Service Agencies under the MOJ which operate in 201 administrative territorial units of Uzbekistan. Such process, enables many applicants from the regions to submit their applications without necessarily travelling to Tashkent. As of 2017, the TSUL implemented only full-time study programs, and there are no options like part-time, online-interactive or double degree program in the LL. B course.

Admissions exam is highly competitive. Each successful applicant must have passed three blocks (subjects) of entrance tests; Russian or Uzbek language and literature (depending on the intended course), history (similarly, in Russian or in Uzbek), and one foreign language (usually, English. Since 2018, holders of CEFR B1 level of foreign language exam (conducted regularly by the State Testing Center) automatically obtain the maximum point for foreign language bloc.¹⁰⁸ Before 2018, each of the three subjects contained 36 questions, which made it 108 in total and offered 226,8 points as the maximum score.¹⁰⁹ After 2018, the number of questions for each subject was decreased from 36 to 30 making it 90 in total, whereas the time for entrance exam remained the same (3 hours). Each correct answer for a single test question gives an applicant a certain point. Thus, one correct answer for history test question is equal to 3.1, native language and literature - 2.1, while English - 1.1. Thus, if an applicant correctly answers all 90 questions, the total maximum score will compose - 189. Those few who achieve the highest test scores in the entrance tests are likely to be admitted on the state-grant basis (without tuition fee). Others, may get enrolled in case if they agree to cover the tuition fee (contract-based study).

¹⁰⁶ Apart from that, the TSUL also includes; the Language Training Center, the Legal Clinic, IRC, the Centre for Japanese Law, the Academic Lyceum and Colleges (competent to the MOJ) and numerous scientific departments.

¹⁰⁷ *Resolution of Cabinet of Ministers of the Republic of Uzbekistan N 118*, June 18, 2010.

¹⁰⁸ *Postanovlenie Kabineta Ministrov N 610*, 2017. CEFR B1 holders were not required to take 36 question tests on foreign language (English, German, French)

¹⁰⁹ Preparation of entrance tests as well as notification on results for all domestic higher education entities, fall into exceptional competence of the State Testing Center. Refer further to; *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan 258 o Sozdanii Gosudarstvennogo Centra Testirovaniya pri Kabinete Ministrov Respubliki Uzbekistan*. 14 May 1994.

In some cases, the entrance tests may be waived, or applicant can be offered particular admissions privileges. For example, winners of domestic Olympiads (inter-disciplinary competitions among high schools) or international competitions or contest are entirely waived from taking tests and admitted automatically upon submitting the relevant certificates.¹¹⁰ Men who undergo their military service in Uzbekistan and wishing to enroll in higher education entities are also eligible for generous privileges. In particular, if they obtain a score more than 100, they get extra 50 percent out of achieved score added to their final results.¹¹¹ Such scheme makes many of them uneasy to compete.

2018-19 Admissions exam scores		
	Top state-sponsored grant score	Top contract- based score
Russian language course (<i>Evropotok</i>)	223.5	-
Uzbek language course (<i>Natspotok</i>)	-	176.7

Table 3.1: 2018-19 Admissions exam scores. In 2018 Admissions year, the TSUL demonstrated the top admissions score record in Uzbekistan. While maximum total score is 189. Those entitled for military benefits could get extra points and, thus obtain a score of up to 223. Such scheme made it impossible for male without military background and female candidates to compete for state-support grant placement.¹¹²

Recently, in 2018, a newly signed Presidential decree has stipulated that starting from 2020-21 academic year, some graduates of the domestic law colleges will enroll to the special 3-year LL. B program of the TSUL on an exam-free basis.¹¹³ It is supposed that 14 new law colleges will function in all 12 regions as well as Tashkent and Nukus (the Karakalpak Republic) and pertain direct subordination to the MOJ. Notably, only those college graduates who obtain the specific directives from the specially composed commissions under the local departments of MOJ will have a chance to be enrolled without admissions test, but only through a brief interview. Such interview will evaluate the candidate's knowledge of legal reforms, foreign language¹¹⁴ and personal characteristics.¹¹⁵ Admitted candidates will be able to enroll in the TSUL only to the contract-paid base and upon their graduation from the three-year special program will have to mandatorily work for 3 years in specifically designated MOJ positions.¹¹⁶ As long as this

¹¹⁰ Annex V, 1-6 *Postanovlenie Kabineta Ministrov N226*, 2008.

¹¹¹ The citizens (In Uzbekistan, only men undergo a military service) who served in the armed forces of the Republic of Uzbekistan along with the above-stated documents present the originals of their military identification card, and also the recommendation of commanders of military units in the place of service. Refer further to; *O'zbekiston Respublikasi Qurolli Kuchlari safida muddatli harbiy xizmatni o'tab bo'lgan fuqarolarga imtiyozlar tizimini takomillashtirishga oid chora-tadbirlar to'g'risida*"gi 2012 yil 31 maydagi PQ-1765-son qaroriga o'zgartirish kiritish to'g'risida"gi 2017 yil 4 Apreldagi PQ-2867-sonli qarori.

¹¹² Refer further to, <http://www.dtm.uz/post/view/respublika-oliy-ta-lim-muassasalarida-o-tkazilgan-test-sinovlarining-birinchi-kuni-natijalari> [accessed on August 3, 2018]

¹¹³ *Postanovlenie Prezidenta N3666*, 2018, 7 (a).

¹¹⁴ Candidates who can demonstrate; CEFR (Common European Framework of Reference), 5,5 IELTS (International English Language Testing System), 70 TOEFL (Test of English as a Foreign Language) TDN3 TestDaF (Test Deutsch als Fremdsprache fur auslandische Studienbewerber) will be waived from language interview.

¹¹⁵ *Postanovlenie Kabineta Ministrov N 573*, 2018; Refer further for details to, *Polojenie o Priyome Vipusnikov Yuridicheskikh Kolledjey Ministerstva Yustitsii Respubliki Uzbekistan v Bakalavriat Tashkentskogo Gosudarstvennogo Yuridicheskogo Universiteta*, 2018.

¹¹⁶ *Polojenie o Priyome Vipusnikov Yuridicheskikh Kolledjey Ministerstva Yustitsii Respubliki Uzbekistan v Bakalavriat Tashkentskogo Gosudarstvennogo Yuridicheskogo Universiteta*.

exceptional admissions system has not started and there are no concrete ideas yet about the forthcoming curriculum and syllabi for this special 3-year program, it is not possible within the frames of the present research to give further description and analysis of its implementation.

Admission numbers and state-sponsored grant/contract-based study

In the academic year 2017-18, 600 students enrolled at the undergraduate (bachelor's) level of the TSUL, of which 20 on the basis of the state-sponsored grants (non-tuition fee) and 580 on a paid-contract basis - *kontrakt* (tuition fee payed).¹¹⁷ The undergraduate education in the TSUL is classified into five specialties (directions); Public law, Civil law, Criminal law, International law, and Business law.¹¹⁸ Each of the specialty is subsequently divided into two separate courses; a course in Russian language (*Evropotok*), and in Uzbek language (*Natspotok*). In 2017, the State Commission has elaborated the quota for this university in the following way; 200 seats for Russian language groups out of which only five state-supported grants, and 400 seats for Uzbek language groups out of which 15 students could receive state-grants.¹¹⁹ In the same academic year, the government introduced a system of additional (above the traditional contract quota) admissions based on a higher contract rate (*super kontrakt*).¹²⁰ To enroll on such system, an applicant is expected to collect around 50 points (usual *kontrakt* is about 170) in the admissions exam and agree to cover a tuition fee which is incomparably higher than regular contract.¹²¹ In 2017, additional 188 students enrolled on such conditions, which made the total number of students - 788.

Comparatively to the previous years, the TSUL has been enlarging its enrollment dynamics. For example, in the academic years 2016-17 and 2015-16 the number of students admitted to the undergraduate level composed 481 and 451 respectively, whereas in 2012-13 it was only 410. The data analysis on the admissions quotes, state grants, contract-based studies and average enrollment scores evidence that while the number of applicants and prospective students as well as average admission scores are on the rise, the government decreases its state-sponsored grant quota and increases the number of contract-based (tuition fee paying) seats in the TSUL. Existing statistical data demonstrates that the actual number of students enrolled into TSUL is likely to raise enormously in the nearest future.

¹¹⁷ Since 2007, President of Uzbekistan several times proposed to enlarge the quota and incorporate foreign law university branch to develop the standards for producing domestic lawyers.

¹¹⁸ *The 2001 State Educational Standards Reeregulation. Postanovlenie Kabineta Ministrov Respubliki Uzbekistan ob Utverjdenii Gosudarstvennyh Obrazovatel'nyh Standartov Vysshego Obrazovaniya. S izmeneniyami i dopolneniyami, N23, 2017.*

¹¹⁹ *Postanovlenie Prezidenta Respubliki Uzbekistan 2955;*

This data is also available at Admissions Committee/Tashkent State University of Law webpage [accessed on December 11, 2017].

¹²⁰ The number of additional quota is to be determined by the State Commission based on the potential of particular higher education entity as well as the major of study. Refer further to, *Postanovlenie Prezidenta Respubliki Uzbekistan 2955., 5.*

¹²¹ The sum of such 'extra high' contract in 2017-2018 admissions year composed 247 million UZS which is around 30 thousand USD, whereas usual contract was less than 10 million UZS (around one thousand USD). This rate is the highest among HEIs in Uzbekistan and incomparable to the usual salary in Uzbekistan. The amount of contract is increasing annually.

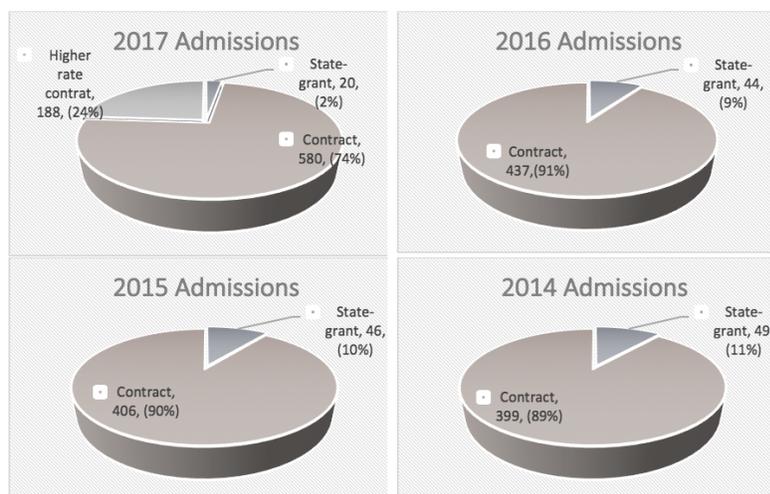


Fig 3.1: The number of admitted students to the TSUL in academic years between 2014-17 in paid and non-paid perspective. The grey area in the 2017 admissions round demonstrates that more than 180 students could enroll the LL. B course with extremely low admissions score by merely covering a higher tuition fee (Approximately, 30 thousand USD). Source: TSUL International Department.

International students enrolling into the TSUL do not have to take admissions tests but merely need to undergo a formal interview. There is neither specific quota no state-grants for international students, which means they can only enroll on a contract-based study. The sum of the tuition fee is higher than regular contract, but still lower than ‘extra’ high contract amount.¹²²

	Foreign state	Number of students
1.	Japan	1
2.	China	1
3.	South Korea	1
4.	Russia	4
5.	Kazakhstan	2
6.	Turkmenistan	1
	Total number	10

Table 3.2: Number of foreign students. According to the International Department of the TSUL in 2017 there were 10 international students in total. Source: TSUL International Department.¹²³

Stipend

All students within official quota receive a monthly stipend to cover a certain amount of living expenses, which may be increased for excellent marks. Uzbekistan inherited this system of providing financial support to students from its Soviet past. Presently, the actual amount of stipend is far from being enough to cover the tuition fee and accommodation. Nevertheless, even this symbolic support helps many students to cover some daily expenses like lunch or/and transportation. Furthermore, a higher stipend that students can receive upon obtaining excellent marks, stimulates many to perform better in their studies.

Since June 2018, there were certain speculations, including on the government level, about termination of the stipend system. In particular, certain groups suggested that by terminating

¹²² As of 2017-18 admissions years it composed about 34 million UZS (a bit more than four thousand USD) refer further to <http://www.tsul.uz/ru/interaktivnie-uslugi/priemnaya-komissiya> [accessed on July 27, 2018]

¹²³ As of 2018, there are only 15 foreign students according to the TSUL International Department.

stipends, paid contracts in HEIs in Uzbekistan could be reasonably decreased, which, in turn, would be fairer towards contract-based students. Nevertheless, the system of stipend remains unchanged to date. This does not however mean that it will continuously exist, especially in light of the recent discussions among the MOHSSE about intended gravitating towards educational system of the developed states where universities normally do not pay such stipends. The question which remains open here is what alternative support the government can suggest to students from the low-income families who rely heavily on even such a symbolic amount of money?

Apart from usual stipend, the government, via MOHSSE offers a very limited number of stipends to those students who demonstrate excellent academic progress starting from their second year of studies. For obtaining such stipend, a student must correspond to certain criteria, such as publications, high academic performance, knowledge of language and participation in scientific projects.¹²⁴

Classification by language/regions/gender

The number of applicants applying for studying in Uzbek groups (*Natspotok*) is traditionally three-four times bigger than those applying for Russian course. For example, in the admissions year 2018-19, out of 7057 applicants, 5603 applied for Uzbek course, while only 1454 opted for Russian.

ПРИЕМ 2018/2019

Количество поданных заявок

Шифр	Направление образования	Квота	Язык обучения		Всего	Конкурс
			узб	рус		
5240100	Юриспруденция	600	5603	1454	7057	11,76

Table 3.3: The 2018-19 admissions. *Natspotok* (Uzbek language course) - 5603, *Evropotok* (Russian language course) - 1454 applicants.

Source. State Testing Center

¹²⁴ *Postanovlenie Kabineta Ministrov N226*. Annex III.

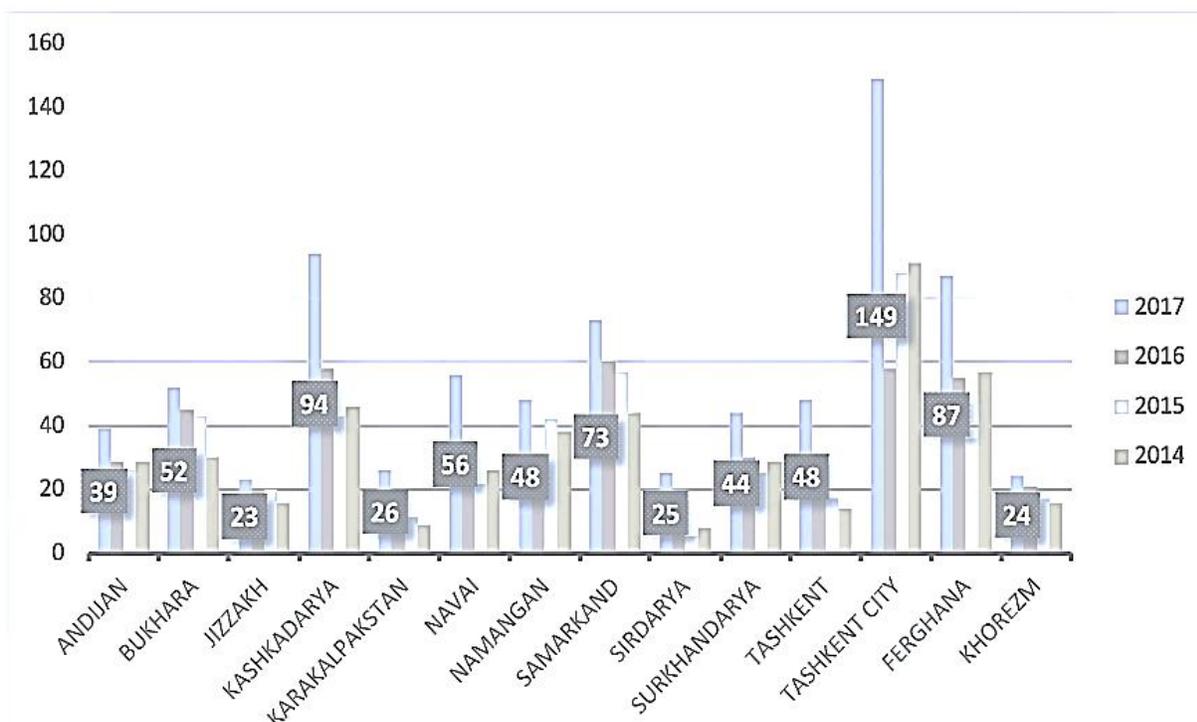


Fig 3.2: Number of admitted students to the TSUL in academic years between 2014-17 in regional perspective. (Statistical data includes number of students in admission years 2014, 2015, 2016, and 2017 from each region (12 regions, the Republic of Karakalpakstan, and capital city Tashkent).

The admission quotes for the TSUL are not distributed among the regions of Uzbekistan (regional quota) but simply based on the high entrance test results. Statistical data demonstrates that the highest number of applicants are from Tashkent city, Kashkadarya, and Ferghana (the most populous regions in Uzbekistan).

Normally, there is no sexual restrictions or limitations for studying in the TSUL. On the other hand, even though such restrictions do not apply, there is a visible majority of male students in the TSUL, which may be explained by the attractiveness of employment in the law enforcement agencies, particularly prosecutor's office, among the male population in Uzbekistan. Additionally, as mentioned above, male applicants who undergo a military service obtain large benefits during entrance exam.¹²⁵ As the number of such applicants annually increases, it is uneasy for female applicants to compete male candidates and enroll into the TSUL.

¹²⁵ "The TSUL Deputy - Rector Kamalov on the New (Modular) Scheme.," February 29, 2016; Mr. D, Ms. N, Mr. S, Mr. M., TSUL LL. B students (two of the students are in *Evropotok* and other two in *Natspotok*), Summer 2018;

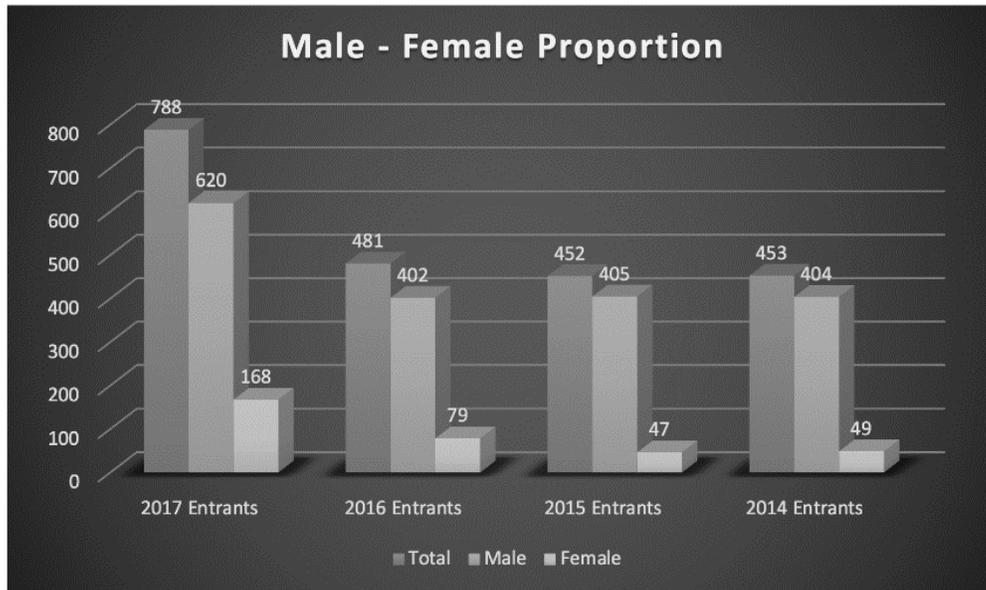


Fig 3.3: Number of admitted LL.B students to the TSUL in academic years between 2014-17 in gender perspective. (Between 2014-16 the yearly female enrollment did not exceed 10 - 15 percent out of total number of entrants. In 2017-18 admissions year, it composed slightly more than 20 percent out of total number of students).

Lately, there is some critics that legal education, which is traditionally a male-dominated area in Uzbekistan, becomes even more restricted for women who cannot compete with men receiving military benefits during entry exams. As a result, an overall proportion of female students in the present and other HEI drops dramatically. On the other hand, the government aims to encourage and raise the prestige of the military service among young men in Uzbekistan by proposing various benefits, including in the HEI admissions policy. Another critical aspect touches upon the annually increasing sums of tuition fees and decreasing the state-sponsored grants. The mere fact that many applicants with extremely low admissions scores can enroll upon merely paying higher contract rates is unusual phenomenon for predominantly low-salary Uzbek population, and may signal of gradual commercialization of public legal education in Uzbekistan.

III.1.b. LL. B Curriculum (introduction of modular system, preparatory process, time division and academic disciplines, internship)

Until 2013, it was the MOHSSE which was responsible for the general direction of legal education throughout all HE entities in Uzbekistan. In theory, it was the Ministry but not the TSUL which worked out the plan of study, confirmed the syllabi, directed the preparation and publication of textbooks for students, determined the number of teaching staff¹²⁶ and even decided upon the size of buildings and classes. In 2013, the TSUL has introduced the modular scheme of legal

¹²⁶ M. Kamalov, Meeting of the Deputy-Rector Kamalov with the delegation of Nagoya University, Graduate School of Law. (Tashkent, TSUL, October 10, 2017). The number of teaching staff based on a number of students. Present proportion composes one teacher for 11 students and it is expected to be reduced smoothly by 2020, and compose one teacher for 9 students. This will let the TSUL to enhance the quality of teaching.

education.¹²⁷ It became the first domestic HE entity to experiment with the new system, within the realities of predominantly Soviet-type education system. An introduction and transplantation of this system to the TSUL's curricula was mainly initiated by young scholars from Uzbekistan who graduated or were affiliated with the University of Westminster or its counterpart in Tashkent (WIUT). Notably, a modular system was initially supposed to be accompanied by the Western accreditation system and greater academic freedom, however such peculiar elements have not been promoted. Therefore, a closer look at this system raises many justified concerns regarding its actual difference with a usual rating system. Indeed, while there are certain technical alterations, one cannot find a principal difference between the presently existing modular and previous rating system.

Between 2013-17, the MOHSSE, in coordination between the MOJ and the TSUL, performed a formal role in implementation of the state educational standards under the state educational standard 5240100 (Jurisprudence) into legal curriculum. This code (*Napravlenie*) includes formal HE qualification requirements for training general domestic law specialists. A codified database formally regulates legal academic disciplines, curriculum, semesters, qualification internships, assessment and a quality control.¹²⁸

In practice, as the MOHSSE has no direct knowledge of the implementation of law curricula and study process within the modular system, the TSUL informally performed a leading part in reviewing state law educational standards, study programs and curricula. Later in 2017, as a result of legislative changes, the TSUL became formally independent from the MOHSSE to decide on modular law curriculum, as well as how and over what period to teach law disciplines. Even though the modular system with the credit-based evaluation system and free attendance has not recommended itself as a default mode for higher education in Uzbekistan yet, its introductive experiment without certain components in the TSUL is considered by the government as an important move in reforming the higher educational system. In particular, the modular system in the TSUL does not resemble to the accreditation system used in western law schools. It is intended to provide merely a more diverse space for teaching and learning methodologies with a particular focus on student-centered activities rather than passive learning as it was widely observed in the TSUL before or still evident in other law teaching institutions in Uzbekistan.

Time division and academic disciplines

The bachelor course at the TSUL consists of four years which cover 29 modules (disciplines). Each academic year is divided into two semesters. Recently, with the separation of a certain amount of time for a self-study, each semester was reduced from 19 to 14 teaching weeks. The TSUL students carry a burden of 29 hours of lectures and tutorials per week. Bachelor level curriculum includes a common - mandatory and specialty focused curriculum which starts from the second year.

The common - mandatory modules are compulsory for all. The higher education requirements determine mandatory part of the state educational standards for social sciences and humanities, as well as for some natural science disciplines. According to the standards, the core

¹²⁷ *Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniyu Sistemy Podgotovki Yuridicheskikh Kadrov*. June 28, 2013.

¹²⁸ *The 2001 State Educational Standards Reegulation. Postanovlenie Kabineta Ministrov Respubliki Uzbekistan ob Utverjdenii Gosudarstvennykh Obrazovatel'nykh Standartov Vysshego Obrazovaniya. S izmeneniyami i dopolneniyami*, N23, 2017.

modules' study phase composes more than 60 percent of the curriculum's total time allowance.¹²⁹ Humanitarian part of curriculum includes; new history of Uzbekistan, philosophy, logics, economics, concepts and principles of national idea, as well as academic writing and foreign language for lawyers. TSUL students must also study IT and, legal statistics and accounting. The number of professional legal courses is somewhat extensive: public (constitutional) law, criminal law, civil law, administrative law, labor law, international public law, finance and tax law, criminal procedure law, civil procedure law, law enforcement bodies, system analysis, Roman law, legal ethics, forensic examination, and lawyer's professional speech.

Public law	Criminal law	Civil law	Business law	International law
Local public and state bodies	International law of enforcement bodies	Banking law	Banking law	Int-l finance and banking law
Customs law	Crime qualification	International private law	Int-l commercial arbitration	Int-l commercial arbitration
Executory law	Prosecution	Housing law	International trade law	Int-l trade law
Civil service	Criminology	Family law	Competition law	Int-l human rights law
Tax administration	Advocacy	Corporate law	Executory process	Int-l private law
Administrative liability ¹³⁰	Criminalistics	Law of economic procedure	Economic procedural law	Int-l economic law
Notary	Criminal executive law	Advocacy	Investment law	Investment law
Procedural documents under administrative cases	Procedural documents under criminal cases	Procedural documents in civil cases	Customs law	Law of int-l agreements
Housing law	Administrative liability	Information law	Law of agriculture	Procedural documents under administrative cases
Prosecution	Operative-search activity	Agrarian law	Procedural documents under economic cases	Law of int-l organizations
Advocacy	Court medicine and psychiatry	Executory process	Advocacy	Int-l criminal law
Investment law	Executory process	Notary	Corporate law	Advocacy
Environmental law	Environmental law	Law of social insurance	Social security law	Environmental law
Business law	Business law	Business law	Business law	Business law

Tab 3.4: TSUL LL.B curriculum's five specialties and related modules which cover second, third and fourth years.

Hence, much of the first and second years which start in September and finish in June is devoted to studying non-legal, para-legal and, substantive law modules labeled as mandatory under the state standard requirements. At the end of each semester, students have two weeks (*sessiya*) during which they need to have their earned grades officially recorded. If student earns minimum grades for every discipline, then he officially completes the whole course and continues to the next.

¹²⁹ "The TSUL Deputy - Rector Kamalov on the New (Modular) Scheme.," February 29, 2016.

¹³⁰ Currently, there is no adequate training on administrative law, apparently because of the shortage relevant specialists. Previously the TSUL had a relatively vibrant administrative law chair but its scholars mainly resigned.

If, however some students did not obtain satisfactory grades, and thus could not pass any discipline(s), under the newly introduced modular scheme, they cannot proceed to the next academic year unless they cover again the course(s) in which they could not obtain necessary grades. Notably, before such novelty was introduced, students who could not obtain satisfactory grade(s) were dismissed from the TSUL, and in case in they decided to re-enroll they had to cover the whole course's curriculum from the beginning.

Starting from the second year, a special commission created by rector of the TSUL, allocates every student within one of the five specialties. Students with high academic performance have an exceptional privilege to choose which direction they prefer. Traditionally, students enrolled into *Evropotok* prefer Civil, International or Business law, whereas those in the *Natspotok* give priority to Criminal law direction.¹³¹ Each particular law specialty develops its own mini curriculum which contains about 13 elective modules to be studies until graduation. It is expected that such specialized legal training would allow the student to major and concentrate efforts on one specialized area of law.

Internship

While academic modules aim to provide a basic grounding of theoretical skills required by a beginning lawyer, another substantial training which is intended to enable students to become personally familiar with the legal profession is internship (often referred in Uzbekistan as *praktika*). LL. B students spend for internship at particular public or non-public legal institutions or departments around 16 to 17 weeks within four years. Out of mentioned total time, about three to four weeks at the end of the second year are given over for an introductory (summertime) internship which requires students to visit three different organizations, usually, the MOJ, courts, bar associations and prosecutor's office. While many students generally liked their one week stay in MOJ and describe it as useful and well-organized, many reported negatively about their experience in courts, bar associations and, particularly prosecutor's office. Among many negative issues, students mentioned about the lack of professional guidance and heavy bureaucratic paperwork. Students also pointed to the fact that only one week for each office is a too short period to learn something. There were even reports among students that certain organizations refused to provide internship placement.

Up to 2018, by the end of the sixth semester of the third year, all students had to take a four-week of the so-called qualification (summertime) internship. The university decided on the internship placement according to the major (specialty) of each student. Apart from public prosecutor's office, bar association and courts, many students underwent their internship at the notary, TSUL's legal clinic, regional or city internal affairs offices. This internship proved more productive than previous in terms of timing, practical experience and future employment perspectives. Some successful candidates who prove accurate and competent enough may even receive a part-time job offer and, hence continue their studies while working in the evenings. Starting from 2018 the TSUL has changed this internship into the so-called social activities clubs, where participation is based on student's voluntary will.

¹³¹ Mr. D, Ms. N, Mr. S, Mr. M., TSUL LL.B students (two of the students study in *Evropotok* and other two in *Natspotok*).

At the end of the seventh semester of the final year, students spend about 10 weeks for the pre-diploma internship.¹³² The majority of the students prefer to undergo their internships in law enforcement agencies or regional, city or district courts, city or regional internal affairs structures, and legal departments of the public organizations. Lesser part may opt for private sector (legal, consulting or insurance firms, enterprises, private companies). This internship normally presupposes the support with regard to gathering data for the thesis and, if possibly, securing employment.

For each of the mentioned internship, a student is obliged to obtain two approval letters, (reports) one from the accepting organization and another from the TSUL. Furthermore, the TSUL appoints for each student the so-called internship supervisor, including on the regional basis, as the majority of students travel back to their regions and hometowns during the internship period.¹³³ At the end of the internship period, each student has to get a confirmation from appointed supervisors about the completion of the internship. Moreover, as all three types of internships are simultaneously considered as a mandatory part of curriculum, students must take an internship exam which is carried in a prescribed written form. If a student fails to adequately undertake internship activities, this may be subjected to disciplinary actions up to the withdrawal from the university.¹³⁴

Presently, the TSUL is in the process of negotiations around the question of effectiveness of the summer time internship. In particular, the managing unit of the TSUL is considering switching the internship period from summer to the after-class time during the semester.¹³⁵ It is supposed that students will learn more and skill up better if they attend public/ private agencies during the regular semester, rather than during the summer holidays, when most of the students travel back to their hometowns for holidays and care less about internship's importance.

III.1.c. Teaching methods

Since the TSUL was established in 1991, its technics of legal training followed the Soviet-style of memorizing black letter law in the form of traditional *ex cathedra* lectures. Lecturers, except the small minority of professors, adhered to the 'top-down' method of teaching of domestic law and required students to memorize written law, take lecture notes - '*konspekts*', and mechanically apply the codified law into model cases.¹³⁶ The general contents of lectures remained very abstract or purely theoretical, without pausing much on comparative legal elements.

¹³² *Postanovlenie Ministerstva Yustitsii Respubliki Uzbekistan, Verkhovnogo Suda Respubliki Uzbekistan, Vysshego Hozyaystvennogo Suda Respubliki Uzbekistan, General'noy Prokuraturi Respubliki Uzbekistan, Ministerstva Finansov Respubliki Uzbekistan, Ministerstva Vysshego i Srednego Spetsial'nogo Obrazovaniya Respubliki Uzbekistan N 2548 Polojenie o Poryadke Prohojdeniya Studentami Yuridicheskikh Obrazovatel'nyh Uchrejdeniy (krome Voyennyh, Spetsial'nyh Vysshih Obrazovatel'nyh Uchrejdeniy) Oznakomite'noy i Kvalifikatsionnoy Praktiki, a takje Stajirovki.* December 31, 2013.

¹³³ Their registered residence place (*Propiska*).

¹³⁴ *Postanovlenie Ministerstva Yustitsii Respubliki Uzbekistan, Verkhovnogo Suda Respubliki Uzbekistan, General'noy Prokuraturi Respubliki Uzbekistan, Ministerstva Finansov Respubliki Uzbekistan, Ministerstva Vysshego i Srednego Spetsial'nogo Obrazovaniya Respubliki Uzbekistan N 2548-1 O vnesenii Izmeneniy i Dopolneniya v Polojenie o Poryadke Prohojdeniya Studentami Yuridicheskikh Obrazovatel'nyh Uchrejdeniy (krome Voyennyh, Spetsial'nyh Vysshih Obrazovatel'nyh Uchrejdeniy) Oznakomite'noy i Kvalifikatsionnoy Praktiki, a takje Stajirovki.* November 22, 2017, 22.

¹³⁵ "The TSUL Deputy - Rector Kamalov on the New (Modular) Scheme."

¹³⁶ Even though there are some sporadic requirements to take such notes, presently the majority of professors do not require students to write *konspekts*.

The most recent educational reforms at the TSUL require increasing tremendously the number of practice-oriented workshops and tutorials and, self-education-oriented training. Simultaneously, the new approach decreases the number of traditional, top-down lectures in this university. It is intended that under the newly introduced modular scheme, the TSUL lecturers will emphasize on student-centered learning by relying heavily on the Socratic method of teaching, visual aids such as *PowerPoint* presentations, case law study and other forms which encourage students to actively participate and present materials to the class. It mostly depends on the teacher's expertise and experience when it comes to the composition of cases. Full-time teachers may create cases independently or copy from Russian books, on the other hand, practitioners prefer using many cases from own practice. Some students specializing in international law mentioned that professors very rarely address international legal disputes in their classes.¹³⁷

An old curriculum focused mostly on theoretical aspects of law rather than professional implications. Lack of practical training and unawareness of students about the legal professional ethics became one the most serious challenges in the TSUL, which required improvements. Therefore, during the recent years, the government decided to put more emphasis on the practical training of law students by hiring more legal practitioners on a part-time basis to ensure that they, if not fully, then at least to certain degree equipped to fulfil tasks assigned by the perspective employer.¹³⁸ While a small minority of legal practitioners are able to combine theory and practice in a well-organized manner, the majority often omit the part on theory and transfer a class into the 'practical story-telling'. Furthermore, students reported that many practitioners usually have no chance for regular teaching due to their main job and, therefore, other instructors must replace them. Such situation eventually leads to the mixed-up teaching and disorientation in the general direction of the class. Eventually, often far from being an excellent legal scholar, many practitioners lack another vital component which is essential to the study process, namely, being an excellent legal educator. It is a well-established fact that even if a high-class practitioner who is entirely familiar with the doctrinal aspects of the law lacks essential pedagogical skills, he will not succeed in transferring own knowledge to a younger generation of lawyers.

The primary concern of the present curriculum is integration of theoretical-doctrinal aspects with educational-practical implications. Having realized a legal education's wide disconnection from essential legal practice, the TSUL has been struggling to introduce and maintain in its new curriculum several special modules stimulating the development of practical skills, such as; legal academic writing, lawyer's professional speech, legal techniques, legal ethics, legal statistics, and system analysis, personal development. These modules are intended to encourage students to delve more deeply into legal working environment. For example, legal academic writing in the TSUL, apart from its traditional aim of teaching scholarly writing, additionally aims at incorporating learning skills on formulating and writing formal complaints to the public organs.¹³⁹

¹³⁷ Mr.D, Ms. N, Mr.S, Mr.M., TSUL LL.B students (two of the students are in *Evropotok* and other two in *Natspotok*).

¹³⁸ *Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniyu Sistemy Podgotovki Yuridicheskikh Kadrov*. June 28, 2013. See 9.

¹³⁹ "Deputy - Rector Kamalov on the New (Modular) Scheme.," Mail correspondence, February 29, 2016. Previously, the TSUL students had to carry a heavy workload, some 58 disciplines, while under the new modular scheme, they can study only 40 modules. Furthermore, old curriculum presupposed teaching the same disciplines for all students, regardless of their specialization. Under the new curriculum, all study 26 core modules and while selecting a specialization within directions, a student can concentrate own efforts during the last two years of studies on special 14 modules related to personal choice.

The law curriculum also stresses a large amount of time for self-study during which it is normally expected that students will revise the material and obtain some additional knowledge on each discipline. The TSUL students do not have individual, separate study rooms, but the Information Resource Center of the TSUL has two reading rooms with wireless internet connection, one for students with about 100 seats and another for faculty members with 82 seats. Given the large admissions quota at the TSUL, the number of seats at the IRC premises is obviously not enough for all and hence most of the students have to study outside of the university. In practice, however, the self-study through reading and regular assignments is often replaced by revising the notes that lecturer dictates during the lectures. This is largely because of the textbook problem, including lack of translated international or comparative law material. Additional problem is that only a handful of young faculty members who studied abroad and thus, in certain degree familiar with the Socratic and other interactive education methods sometimes implement it into the class discussions and debates, as well as note the importance of referring to comparative materials. While there is only a small minority of such educators, the majority of lecturers belonging to the elder generation of professors who were trained predominantly in the socialist law system still adhere to the classic Soviet style of teaching law.

III.1.d. Assessment (ongoing, mid-term, final exams)

The TSUL appoints the so-called module leader for each subject who bears a general responsibility with regard to supervising students' oral ongoing assessment. The module leader in cooperation with relevant chair professors also draft exam questions for interim (mid-term) and final examinations.¹⁴⁰ An ongoing assessment is based on supervisor's evaluation of student's overall module progress which includes an ability to comment and analyze study material and cases, participation in group discussions, practical skills and the quality of scientific presentations.

Since 2017, interim (mid-term) assessment is based on two separate exams. First exam includes independent work which allows to evaluate student's basic research and IT skills. Normally it is a case report that student can write independently at home. Second is an in-class written examination in which a student is expected to prepare and write on one case out of four available. It is an open book session and students are free to use textbooks, and other relevant materials. Normally, module leaders create and distribute such cases one month before the mid-term exam date. While students are free to choose interested questions for interim assessment and can prepare beforehand (around two weeks), they cannot do so in final assessment which is also a written examination. Out of 100 possible points, 30 are allocated for an ongoing assessment and 20 for mid-term exam, and unless a student gets at minimum 26 in these two rounds, he will not get a permission to take a final exam.

The final exam questions for each year are prepared by module leaders in close cooperation with chairs and the Academic Registrars Department on the individual slips of paper. Among 150 exam questions prepared for each module, 50 compose the problem questions and 100 are cases. Each year, module leaders upload these questions to the final exam question database and thus, make it accessible for all LL. B students at least two weeks before the final exam date. Previously,

¹⁴⁰ These questions are however undergo an expertise from the Academic Registrar's Department of the TSUL. *Postanovlenie Ministerstva Visshego i Srednego Special'nogo Obrazovaniya Respubliki Uzbekista. Ministerstva Yustitsii Respubliki Uzbekistan N1 ob Utverjdenii Polojeniya o Poryadke Kontrolya i Kriteriyakh Ocenki Znaniy Studentov Tashkentskogo Gosudarstvennogo Yuridicheskogo Universiteta v Usloviyakh Modul'noy Sistemy Obucheniya.* 2870, 2006.

it was only at the final exam day when a student could know what questions he will have to answer. Such approach which did not stipulate any form of preliminary preparation severely limited the quality of answers and overall grades of students. Hence, compared to the previous system, a student now has a chance to get familiar with the exam questions beforehand and take a time for a necessary preparation. When the student appears on the designated day and time for an examination, he draws 2 problem questions and 1 case out of several by a lot and then expected sit for two hours and provide written answers. TSUL allocates 50 points for the final exam.

Student who get a minimum (56 out of 100) or more score for each module, he officially completes the course program and may move on to the next course.¹⁴¹ However, those students who cannot obtain a minimum of 56 points even for one subject, will have to study the module from the beginning and will postpone a transfer to the next course.

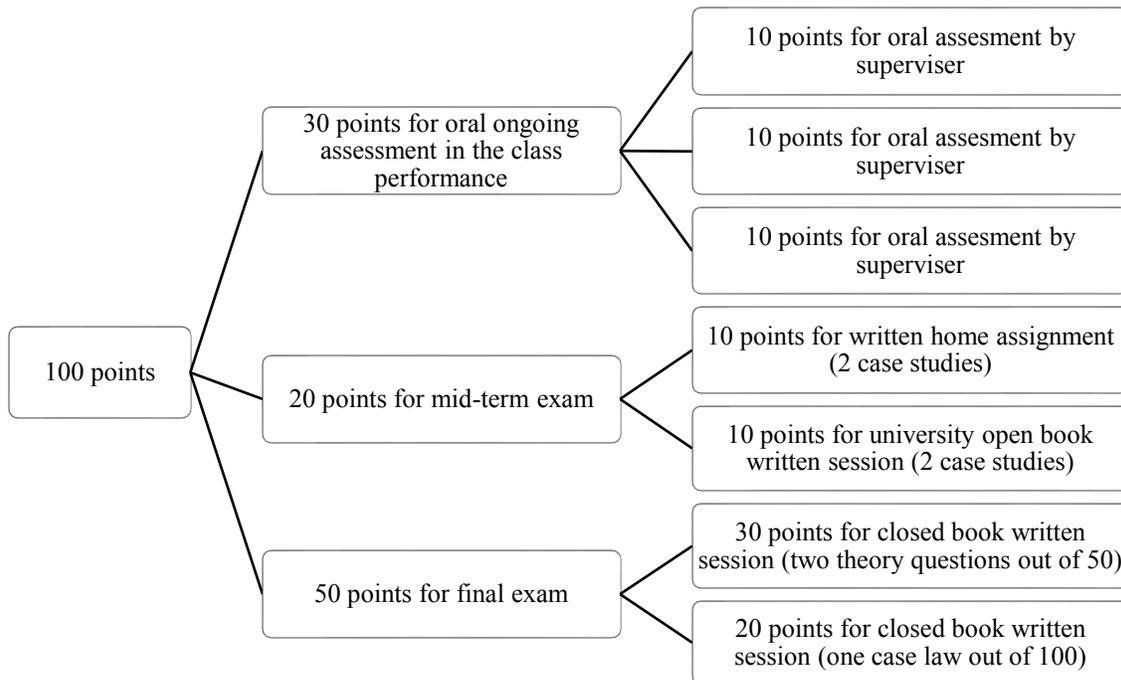


Fig 3.4: Triple modular assessment mode of the LL.B program of the TSUL. In oral ongoing assessment, a lecturer evaluates student’s general performance in the class. It is divided into 3 sub-categories each offering 10 points. Mid-term and final exams compose a written form of assessment which is 70 percent of total exam ratio at the TSUL.

III.1.e. Graduation requirements/exam(s) for obtaining a degree.

In order to complete their bachelor’s degree, students need to study 29 modules for four years, (out of which 15 are mandatory and 14 are elective) pass a triple modular assessment mode which include both oral and written examinations and undertake practice-based internships with legal departments of state or non-state organizations to gain practical experience.¹⁴² In their final year, students are required to pass state exams on constitutional law and the theory of state and

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*

law and foreign language and, write a graduation thesis of some 10.000 words on their major topic and hold a public oral defense in front of the specially composed Graduation Commission.¹⁴³

The final exam on constitutional law is a closed book written exam. This exam's questions are prepared by the relevant chairs on the individual slips of paper each containing three questions, out of which - two are on constitutional law (questions could also touch upon other crossly-related areas with the constitutional law) and one question on the theory of state and law.¹⁴⁴ When a student appears on the designated day and time for an examination, he draws the questions by a lot and then may sit for two or three hours and write the answer. English exam combines both written and oral assessment. After writing a free style, short essay, which is not necessarily on a legal topic, each student undergoes through a short interview with a non-native, local English instructor who often has no professional skills in teaching English for lawyers.

The graduation thesis is an initial independently researched paper which aims to introduce undergraduates to the basic, elementary principles of legal research methods and to encourage them to develop more deeply into their chosen law specialty.¹⁴⁵ Usually LL. B students of the TSUL submit thesis in Uzbek, Russian or English. It must be more than 10.000 words and contain recommendations on improving particular researched fields. Many students try to tie up their graduation thesis to their internship experience with a view of collecting more of a first-hand data and highlight a practical importance of research work. On the other side, unfamiliar with searching strategies, correct usage of a reliable scholarly data, and very immature in proposing adequate research arguments and recommendations to improve a particular legal field, many students face difficulties which eventually results in low-quality academic papers. Some students while drafting their graduation thesis refer to other informal methods, for instance, copying or following the style of previously submitted works. It eventually reveals another critical problem related to the low level of antiplagiarism culture among many LL. B students.

A board of professors usually referred as the Graduation Commission sits on the oral defense and briefly questions each student after he has briefly presented the topic. Usually each defense takes around 20-25 minutes and afterwards commission issues the results. It is rare that student fails a graduation thesis's oral defense, however, if such case takes place, a student is eligible to lodge application for the revision or re-examination with the commission itself or rector of the TSUL. After successful oral defense, graduates obtain a degree of LL. B in Jurisprudence.¹⁴⁶

II.1.f. Career placement (legal/para-legal/non-legal)

When successful students complete the undergraduate program, they chose between two options, attend graduate law program or enter the employment.¹⁴⁷ In the last case, the graduate is more a labor market product, rather than long-term learning process. Some graduates prefer to

¹⁴³ "Deputy - Rector Kamalov on the New (Modular) Scheme.," The MOJ, Supreme Court, and the Office of the Prosecutor-General set up certain graduation qualifications for the TSUL students, which however, very formal in nature.

¹⁴⁴ The mere existence of exam on such discipline as theory of state and law clearly demonstrates the state-centrism approach in legal education which is inherited by many other former USSR republics from the socialist legal education system and still implemented in the study process. Refer further to, Waters, *Counsel In The Caucasus*, 69.

¹⁴⁵ By the time of present research, the TSUL was in process of creating the regulation for the International law department of the UWED and History and law department of the Karakalpak State University.

¹⁴⁶ The way it is written in the diploma - *Yurisprudentsiya (Huquqshunoslik)*.

¹⁴⁷ Only students with a master's degree have the right to teach law at domestic universities.

work for several years and then apply for a graduate program, usually in law or public administration.

LL.B. graduates of the TSUL are regarded as trained jurists and, thus, entitled to the employment in their specialization. It should be noted however, that, such legal education *de facto* cannot be regarded as professional legal training but rather comprehensive-general theoretical education.¹⁴⁸ Graduates who received education on the basis of state grants, are obliged to work for the public or private sector at least for three years to obtain their diplomas.¹⁴⁹ Such a scheme raises many reasonable concerns regarding the government's eligibility to keep grantees' diplomas given the fact they have graduated the program and obtained a relevant degree. The TSUL may assign such graduates for an employment interview into public institutions which offer vacancies for lawyers but cannot oblige them to work for a public organization for a particular period. Contract-based students, do not have such obligation and may obtain their diplomas right after graduation. Unlike graduates who studied on the basis of the state-grants, they do not receive any job interview offers from the TSUL.

According to the TSUL career development monitoring data, in 2017 graduation year, out of 413 graduates, 278 could quickly seek their employment, while the rest considered graduate studies or were still in the process of active job application.¹⁵⁰ In general, most of the graduates wish to secure employment in the Office of the Prosecutor-General or other law enforcement agencies in Tashkent or regions where they have a registered residence, however because of the relatively insufficient number of vacancies only a handful of graduates eventually get there. In 2017, many TSUL graduates could receive employment offers in the newly created Bureau for Enforcement of Judgements under the Prosecutor-General's Office. Others may start their career in the MOJ or its regional counterparts from the very bottom of the bureaucratic hierarchy. Sometimes students also find employment in organizations where they undergo qualification or diploma internships. Recently, in light of the fact that there is a shortage of lawyers in Uzbekistan, it is not very problematic for graduates to find a job which involves legal practice.

Some graduates wish to work as practicing lawyers (*advokat*) and present their clients in courts, however, in light of recent legal amendments, access to the profession of lawyer cannot be secured immediately upon graduation. Even though until 2008, anyone in Uzbekistan with a law degree could apply for a license and act as a lawyer¹⁵¹, things have changed after the government comprehensively revised the Law on the Bar (including its provisions with regard to requirements to access the profession of lawyer) in December 2008. Current provisions set up a mandatory bar association membership and requires candidates to demonstrate the law degree, two years of professional experience in any legal profession (that should also include a six-month of

¹⁴⁸ LL. B programs in Uzbekistan, as in many other civil law jurisdictions of the former USSR are different from professional legal training in its Western sense, and can be compared to the 'well-rounded education' because, as in case of the UWED, apart from legal disciplines, students spend a plenty amount of time for studying courses on philosophy, politics, sociology, culture, math, economics, language and other general courses.

¹⁴⁹ This system is enforced since 2005. As state-grant based students do not pay their tuition fees, it is generally considered that they have used public money for their education. Therefore, the government issues graduation diplomas to this category only after they have worked for the public or private entity in Uzbekistan for three years. Thus, it is considered that, by working for several years without diploma, a graduate will 'pay back' to the government those assets he used while studying. In the past, it was required to work for the public sector only.

¹⁵⁰ TSUL. International department. 2016-17 career development data. Out of 83 master graduates, 69 could quickly seek employment.

¹⁵¹ No apprenticeship with legal firm was required.

apprenticeship with a law firm or other law office) and successfully pass the bar examination.¹⁵² Only after successful passing of the bar exam, registering with the MOJ and obtaining a license, one can act as a lawyer and present their clients in the court.

III.2. Graduate level (LL. M)

The majority of LL. B degree holders from the TSUL apply for jobs and start their careers from the very bottom of legal profession. Those who wish to continue to the graduate level usually study at the LL.M programs offered at the TSUL if they pass entry exams successfully. The MOJ annually defines the number of grant and contract-based quotas for domestic students, whereas admissions for foreign applicants is exceptionally mandatory tuition fee based. Although before the number of LL.M programs was ten and included a two-year curriculum, as of 2018-19 academic year, the TSUL master's department offered six one-year LL.M programs: LL.M in Law of Public Administration (*Gosudarstvennoe upravlenie*), LL.M in Labor and Employment Law, LL.M in Theory and Practice of Criminal Law, LL.M in Law and Business, LL.M in Financial and Legal Monitoring, LL.M in Law and IT.

III.2.a. Admissions and selection (requirements and entrance exam, admission numbers and state-sponsored grant/contract-based study, classification by language/regions/gender)

Requirements and entrance exam

The shape and organization of entrance exam fall to the competence of the MOJ and the TSUL whose rector forms the Admissions Board competent to accept application documents and support applicants.¹⁵³ A candidate applying to the master's program at the TSUL must submit an online letter containing an indication of intended specialty, a digital copies of a higher education diploma and official academic transcript.¹⁵⁴ Notably, only law graduates (LL. B or similar diploma holders) are eligible to apply for studying LL.M at the TSUL.¹⁵⁵ As a part of application documents, a candidate is also required to provide digital copies of passport and photo. At a later stage, the Admissions Board will verify strictly all copies with original documents. Admissions of documents normally takes place between July 1 to July 30.¹⁵⁶

¹⁵² *Law of Uzbekistan on the Bar*, (Art 3(1). December 1996, amended in December 2008, hereinafter the Bar) Uzbek or Russian language versions can be found online at <http://www.lex.uz/ru/docs/58372> [accessed on June 6, 2018]

¹⁵³ Before 2018, entrance exam was composed of two rounds; tests and written exam. Entrance tests included three blocks of questions on; the Theoretical and Practical Basics of the State and Civil Society Construction, Major Subjects, and a Foreign Language (a foreign language exam may be waived if an applicant demonstrates an IELTS 5.5 or CEFR B2). Test State Test Center prepares questions for the entrance test for the TSUL based on the study programs developed by the TSUL and approved by the Ministry of Higher and Secondary Specialized Education. Refert further to III. *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan 206 ob Utverjdenii Polojeniya o Poryadke priema v Magistraturu Tashkentskogo Gosudarstvennogo Yuridicheskogo Universiteta*. July 23, 2013. (Outdated)

¹⁵⁴ As mentioned in the previous section, in Uzbekistan, those applicants who have studied in the undergraduate level on the basis of state-supported grants do not receive an original copy of bachelor's diploma after graduation unless they have worked for the public or private sectors in Uzbekistan for three years. In such cases, graduates receive only a copy of diploma record which, however, may be submitted as a part of application document replacing an original copy of the diploma.

¹⁵⁵ *Postanovlenie Kabineta Ministrov N 502*, 2018.

¹⁵⁶ <http://www.tsul.uz/en/interactive-services/admissions-committee> [accessed on August 1, 2018]

Entrance exam for domestic candidates is a two-hour written assignment composed of questions on legal major and foreign language. Legal major block contains contemporary domestic reforms-related questions peculiar to the intended LL.M direction and aims to evaluate the applicant's ability to analyze facts, comprehensively utilize legal sources and propose logical conclusions on model-legal disputes. It includes one theoretical and two practical questions. Applicants may choose between taking exam in Russian or Uzbek. Foreign language block (usually English) seeks to evaluate applicant's skills to read and understand scientific texts (on domestic-legal reforms) and its terminology.¹⁵⁷ It includes three questions, one on reading comprehension, and two written assignments.

The Minister of Justice, upon recommendation from the Rector of the TSUL, composes a special commission several days before the exam and appoints it chairman. This commission further bears the responsibility to assess entrance exam results. In entrance exam, an applicant may receive a score of up to 150 (100 for legal major, and 50 for foreign language exam). The highest score in 2018 composed 124,3. Applicants who disagree with their final results have the right to submit a complain to the commission, which is also competent to reconsider the results or leave it without any changes.¹⁵⁸ Applicants who are recipients of various state or presidential scholarships, enjoy the privilege of enrollment on the non-tuition fee basis and without written exam. According to the 2018-admissions year results, there was only one such an applicant who could enroll on a exam-free basis.

Admission of foreign citizens into master programs is exceptionally on a tuition based system.¹⁵⁹ Foreign citizens entering LL.M program of the TSUL do not take any written test, but only undergo a 20-minutes interview. Interview questions basically aim to evaluate candidates professional and analytical skills. Out of total 100 points, foreign candidate is expected to receive 55 or more in order to enroll to the master's program.¹⁶⁰ Official enrollment notification comes only after State Commission has issued a decree on enrollment.



Fig 3.5: Admissions process to the LL.M level of the TSUL according to the new 2018 admissions rules.

¹⁵⁷ Candidates with the B2 CEFR (Common European Framework of Reference), 6,0 points in IELTS (International English Language Testing System) or 95 points on TOEFL (Test of English as a Foreign Language) or TD N 3 TestDaF (Test Deutsch als Fremdsprache für ausländische Studienbewerber) obtain the maximum score without taking English exam.

¹⁵⁸ Chapter 1-3, *Postanovlenie Kabineta Ministrov N 502*.

¹⁵⁹ Foreign students should provide the following documents to apply for Master's degree: Application addressed to the rector of the higher educational institution (indicating the citizenship and chosen specialty); Original passport (copy will be provided to the Admissions Committee); A copy of the document of the residence permit in Uzbekistan; Original diploma and its applications, as well as their notarized translation into Uzbek or Russian languages; 6 photos (color) 3,5 x 4,5; Medical certificate form U-086. The list of foreign students who submitted their documents to the master's degree is subject to expert examination in an appropriate order. Admission of foreign students is determined on the basis of the results of the examination and the relevant decree of the State Commission. Foreign students are admitted only on the basis of the paid contract and payment is made in the equivalent of foreign currency.

¹⁶⁰ *Postanovlenie Kabineta Ministrov N 502*.

Admission numbers and state-sponsored grant/contract-based study

In the academic year 2018-19, the presidential decree stipulated the total quota of 150 students for admissions into six LL.M programs at the TSUL.¹⁶¹ This quota did not stipulate any state-sponsored grants and therefore, all 150 seats were contract-based. Out of 167 applicants only 116 (less than quota offer) could successfully pass entrance exams and enroll into six various LL.M degree programs.

(Refer to the Figure below)

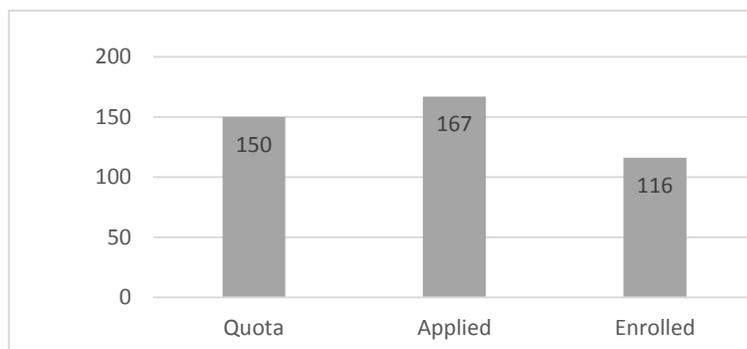


Fig 3.6: Admissions quota to the LL.M level of the TSUL in 2018-16 2018 academic year.
Source, TSUL. International Department.

For instance, in the previous 2017-18 academic year, the quota for LL.M composed only 120 of paid contract placements (similarly, no state grants), whereas the number of LL.M programs was 10. Such figures demonstrate that the number of admissions into master's programs of the TSUL is increasing annually, and state offers no funds for state-sponsored placements.¹⁶² On the other hand, LL.M majors have greatly decreased from 10 to only six.

In 2018, such LL.M programs as Law of Public Administration and Law and Business, given their wider employment perspectives in public agencies and recent, keen interest in commercial or investment disputes attracted the highest number of applications and became the most competitive directions. The Criminal law is a direction traditionally popular among male applicants who aim to advance their careers at law enforcement agencies and therefore, the number of female applicants to this program is always minimal. Such recent novelties as LL.M in Law and IT, and Financial and Legal Monitoring appeared as the least attractive programs which received the smallest number of applications.¹⁶³ Hence, according to the number of submitted documents, the admissions coefficient ranged between 1,1-0,5 candidate per seat and therefore, was not very competitive.

¹⁶¹ *Postanovlenie Prezidenta N3666.*

¹⁶² Some LL. B graduates however, who have received honors from president-affiliated youth programs theoretically can be admitted on a state-grant basis without exams. Refer also to, sec 3-7, *O'zbekiston Respublikasining Vazirlar Mahkamasining Qarori, Oliy Ta'lim Muassasalarga O'qishga Qabul Qilish, N 393, 2017.*

¹⁶³ Notably, in the previous year, the specialty which attracted the largest number of master students was the Law of Public Administration - 21 students, whereas the smallest number of students - only four applied to study Law of Natural Resources.

Number of submitted applications (magistracy)

Code	Specialty	Quota	Language		Total	Coef
			uzb	rus		
5A240108	Law of public administration	45	42	8	50	1,1
5A240115	Labor and Employment Law	10	10	2	12	1,2
5A240116	Theory and practice of criminal law	30	32	6	38	1,3
5A240118	Law and business	45	39	16	51	1,2
5A240119	Financial and legal monitoring	10	5	2	7	0,7
5A240120	Law and information technologies	10	4	1	5	0,5

Table 3.5: State standard numbers, directions, quota in language perspective, the number of submitted applications, and the number of applicants per place (competition level) for 2018-19 admissions year. Source: (TSUL Admissions commission)

Upon admission, all master students receive a monthly stipend to cover a certain amount of living expenses. This stipend may be increased for excellent marks. Furthermore, LL.M students have a right to work on a part-time basis, including in the TSUL itself as administering or assisting staff.

Classification by language/regions/gender

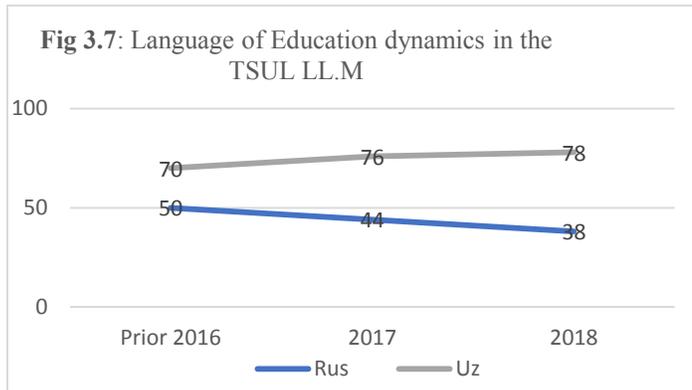
Each of the LL.M program offers placement in groups with Uzbek (*Natspotok*), or Russian (*Evropotok*) as the main language of instruction. According to the 2018 admissions round quota, out of 150 seats, 106 were allocated for LL.M programs with Uzbek as the main language of instruction and 44 - for Russian.

The quota for the admission in the context of language learning on the master's specialty at Tashkent State University of Law for 2018/2019 academic year

Code	Specialty	Total	on the basis of the state grant			on paid-contract basis		
			Total	from them:		Total	from them:	
				uzbek	russian		uzbek	russian
		150	0	0	0	150	106	44
5A240108	Law of public administration	45	-	-	-	45	32	13
5A240115	Labor and Employment Law	10	-	-	-	10	7	3
5A240116	Theory and practice of criminal law	30	-	-	-	30	21	9
5A240118	Law and business	45	-	-	-	45	32	13
5A240119	Financial and legal monitoring	10	-	-	-	10	7	3
5A240120	Law and information technologies	10	-	-	-	10	7	3

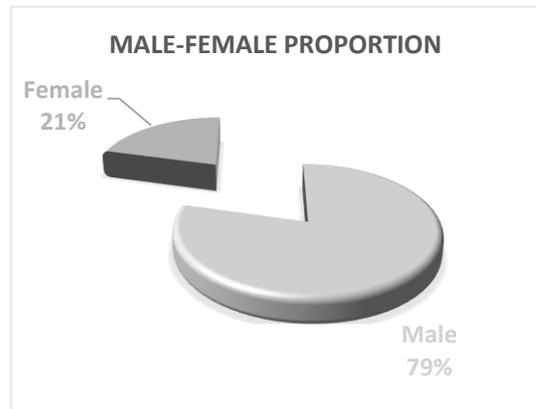
Table 3.6: The quota for 2018-19 admissions round for the TSUL's LL.M Programs in Uzbek and Russian language groups. Source: (TSUL Admissions commission)

According to the 2018 admissions results, out of 116 enrolled students, 78 enrolled into Uzbek groups, whereas only 38 into Russian. For instance, in the previous year, out of 120 master students, 76 studied law in Uzbek language, and the remaining 44 enrolled into Russian language course. Present and a statistical from previous admissions demonstrates that quota for students enrolling into *Natspotok* is annually increasing, while admission numbers into *Evropotok* is gradually decreasing. This tendency is obvious not only in the case of the TSUL but also many other HEIs in Uzbekistan and other post-Soviet republics, because of the promotion of monolingual policies and gradual outflow of Russian speaking population.¹⁶⁴



A recent, 2017 Resolution of the Cabinet of Ministers also presupposes the admission quotes in HEIs for regions which require specialists with a master’s degree.¹⁶⁵ Given the specifics of the master programs of the TSUL, such quota apparently targets legal professionals whose shortage is apparent in certain regions of Uzbekistan.¹⁶⁶ However, there is no practices available to date, demonstrating about the process of such regional quota admissions in the TSUL.

There is no gender restrictions according to the admission guidelines of the LL.M programs of the TSUL. Nevertheless, an existing statistical data demonstrates that the number of women enrolled in LL.M programs in 2018 is less than a quarter of the total admissions. Reasons for such a visible gap are similar to those in LL.B program.



There is no gender restrictions according to the admission guidelines of the LL.M programs of the TSUL. Nevertheless, an existing statistical data demonstrates that the number of women enrolled in LL.M programs in 2018 is less than a quarter of the total admissions. Reasons for such a visible gap are similar to those in LL.B program.

Fig 3.8: A number of admitted students to the TSUL LL.M in academic years between 2018 in gender perspective. (It is almost similar to that of LL. B program were the number of female entrants also does not increase a quarter out of total students’ number).

Out of six master programs, Public Administration Law, and Law and Business, given their wider employment opportunities and a recent, keen interest in domestic and international trade and investment disputes, seem to be the most attractive for both male and female applicants. The Criminal law is a traditionally male-dominated field because it paves the way for a good career in law enforcement agencies, especially at public prosecutor’s office or internal affairs. Notably, Labor law is also popular only among male applicants. The number of female students enrolling

¹⁶⁴ Refer also to, Waters, *Counsel In The Caucasus*.

¹⁶⁵ *O‘zbekiston Respublikasining Vazirlar Mahkamasining Qarori, Oliy Ta’lim Muassasalarga O‘qishga Qabul Qilish, N 393, 2017.*

¹⁶⁶ Sec 7 *ibid*. In particular, scholars of the state grants initiated by the President of the Republic of Uzbekistan and winners of state competitions whose specialty is relevant to the proposed master’s program can be enrolled without exam and on the basis of the extra state-grants.

into this program is critically low.¹⁶⁷ Financial and Legal Monitoring as well as Law and IT are recent programs which attracted the smallest number of candidates and it is unclear yet how competitive these majors will be in the future.

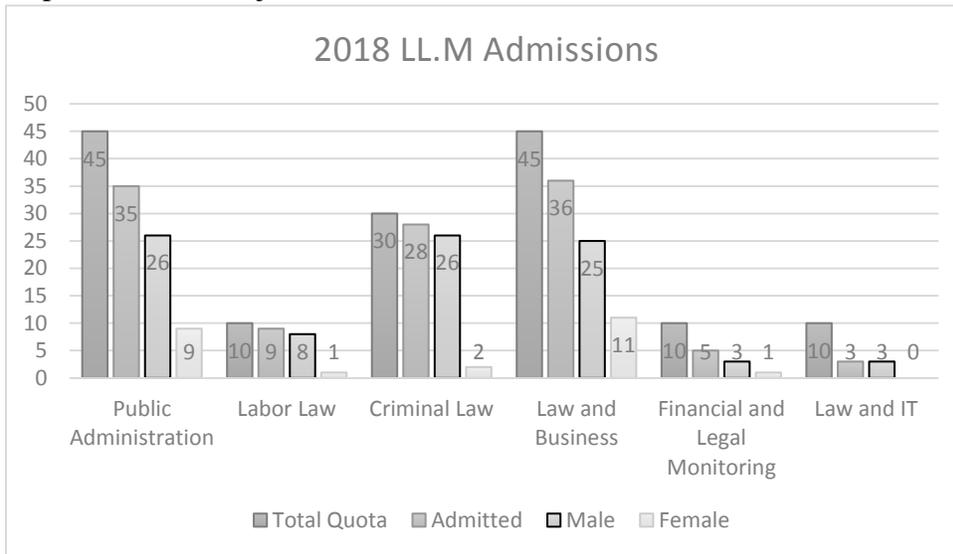


Fig 3.9: 2018 LL.M programs and admissions numbers, including division into male and female proportions in each program. TSUL, Admissions

III.2.b. LL. M Curriculum (preparatory process, time division and academic disciplines, internship)

Preparatory process

De jure, it is the TSUL which implements academic standards for its LL.M programs under the state standards, 5A240108 - LL.M in Law of Public Administration, 5A240115 - LL.M in Labor and Employment Law, 5A240116 - LL.M in Theory and Practice of Criminal Law, 5A240118 - LL.M in Law and Business, 5A240119 - LL.M in Financial and Legal Monitoring, 5A240120 - LL.M in Law and IT. These codes include formal qualification requirements for training specialists (LL.M) in the relevant fields. Codified databases formally regulate academic disciplines, curriculums, semesters, qualification internships, and assessment control.¹⁶⁸ *De facto*, the regulation of graduate LL.M level research often falls into the area of MOHSSE's centralized governance, which often bans the TSUL to practice an unlimited control over its LL.M students.¹⁶⁹

Time division and academic disciplines

Within the last ten years, the TSUL's LL.M program faced several modifications. Some changes made it slightly more research oriented than before, whereas certain initiatives remain somewhat unclear. In particular, the TSUL decreased greatly or transferred to the elective mode

¹⁶⁷ For example, only one out of 9 students in 2018 admissions.

¹⁶⁸ *The 2001 State Educational Standards Regulation. Postanovlenie Kabineta Ministrov Respubliki Uzbekistan ob Utverjdenii Gosudarstvennyh Obrazovatel'nyh Standartov Vysshego Obrazovaniya. S izmeneniyami i dopolneniyami, N23, 2017.*

¹⁶⁹ According to the TSUL, the MOHSSE often restricts the TSUL to penalize and dismiss students with unsatisfactory academic performance.

most of master curriculum's common-methodological and theoretical disciplines. Hence, comparatively to the previous curriculum, LL.M program allocates more time for independent research activities. In light of 2018 recent academic reforms, the length of the TSUL's LL.M program was decreased from two years to just one.¹⁷⁰ One-year master course was obviously copied from certain Western models which offer LL.M degree based on an intensive legal training.¹⁷¹ Notably, in Europe such LL.M programs are often followed by the four-year doctoral course, what eventually makes the length of the graduate studies - five years. Furthermore, the Western one-year master programs usually require a small number of credits and short master's thesis (or several research reports if it the program which does not require a written master's thesis). Eventually, LL.M degree in Europe train legal professionals rather than legal scholars who aim to teach at law schools. On the other hand, the LL.M in Uzbekistan has always remained as a fundamental, research-oriented program with a whole bunch of theoretical disciplines, and its sudden gravitation towards a short-term intensive course raises many questions with regards to its character and aims. Furthermore, LL.M diploma holders in Uzbekistan enjoy a privilege of entering the HEIs and teaching law to students. In this regard, newly introduced one-year LL.M program in Uzbekistan will additionally question the quality of future legal educators.

Until 2018, in order to obtain a master's degree, students had to undergo a two-year course, composed of legal specialty and non-legal modules, mainly pedagogy and state-ideology related disciplines, commence continuous internship, pass final exams, submit master's thesis and defend it publicly. Each academic year was divided into two semesters, making it four in total. Every semester was composed of about 17 teaching weeks.¹⁷² Master students carried a burden of 36 hours of fundamental lectures, seminars (including elective part) and scientific-research work per week which was mandatory for all. The curriculum of each program speculated four electives and three to four mandatory specialty modules.¹⁷³

¹⁷⁰ By the time of drafting present research, TSUL published no clear syllabi for a new one-year LL.M program and therefore, author described mainly the developments between 2013-2018. In light of the reforms, one may assume, however, that shortening the LL.M program into one year will increase the amount of academic burden (specialty modules only) and decrease the time for self-research. *Postanovlenie Prezidenta N3666*.

¹⁷¹ As an example, the Riga Graduate School of Law (RGSL) in Latvia offers one-year intensive LL.M programs in several directions. Under this program, a student is supposed to gather a limited number of credits and draft a master's paper.

¹⁷² The last (fourth) semester contained 21 weeks.

¹⁷³ These elective disciplines included; teaching methodic of specialized disciplines and decision-making theory in all LL.M Programs. Separately, there are additional two specialty-related disciplines in each program.

LL.M in Law of Public Administration	LL.M in Tax and Customs Law	LL.M in Business Law	LL.M in International Commercial Law	LL.M in Contract Law
<ul style="list-style-type: none"> • Administrative procedures • Legislative technique • Decision theory 	<ul style="list-style-type: none"> • International tax law • Customs law • International commercial law • Legal regulation of financial institutions 	<ul style="list-style-type: none"> • Corporate law • Tax law • Contract law 	<ul style="list-style-type: none"> • International commercial law • Law of transnational corporations • International investment law 	<ul style="list-style-type: none"> • Contract law • Tax law • Contractual law
LL.M in Corporate Law	LL.M in Law of Natural Resources	LL.M in Labor and Employment Law	LL.M in Criminal Law	LL.M in Forensics and Criminalistics
<ul style="list-style-type: none"> • Corporate acts • Corporate governance • Legal Regulation of the Securities market • Exchange law 	<ul style="list-style-type: none"> • The law of oil and gas • Energy law • Land law • International law of transnational water environment • Environmental observation 	<ul style="list-style-type: none"> • International labor law • Legal regulation of the employment relationship in the context of globalisation 	<ul style="list-style-type: none"> • International criminal trial and legal assistance in criminal matters • Grounds of proof in criminal proceedings • Crimes in the sphere of economic and management 	<ul style="list-style-type: none"> • Theory and practice of appointing and implementation expertise

Table 3.7: Ten LL.M programs and respective mandatory specialty modules at the TSUL before 2018.

As mentioned above, starting from 2018-19 admissions year, several directions, including visibly popular, like Corporate law, and Contract law ceased to exist and the number of LL.M programs was decreased to only six. Within these six, there are two totally new for Uzbek legal science directions; Financial and Legal Monitoring, and Law and IT. Introduction of these two unique programs is undoubtedly an important move towards the diversification of undergraduate legal education. One can additionally suppose that these their appearance in the TSUL is a product of external influence. The question which remains open is who and how will be supervising these programs and teaching its relevant modules. If, for example, the Law and IT LL.M program should necessarily involve a module on cyber law and crimes, one can hardly find a relevant specialist(s), research resources and any existing materials from domestic-legal practices in Uzbekistan. Hence, in the circumstances of limited recourses, and if supervisors commence these pioneer programs in an unprepared manner (without attracting specialists from aside), the TSUL will risk facing many practical obstacles which might eventually result in failure of this positive initiative.

5A240108 LL.M in Law of Public Administration	5A240115 LL.M in Labor and Employment Law	5A240116 LL.M in Theory and Practice of Criminal Law
-Administrative procedures; -Legislative technique; -International-legal responsibility; -State services;	-International labor law; -Legal regulation of the employment relationship in the context of globalization; -Pension law; -Labor disputes;	-Criminal punishment and its application rules; -Judicial control; -Crimes in the sphere of economic and management; -Proof in criminal proceedings;
5A240118 LL.M in Law and Business	5A240119 LL.M in Financial and Legal Monitoring	5A240120 LL.M in Law and IT

-Corporate law; -Tax law; -Contract law;	-Financial law	-IT law
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Table 3.8: LL.M programs and respective mandatory specialty modules at the TSUL after 2018. (TSUL, International department)

Academic disciplines

In general, the curriculums of all LL.M programs look very similar in terms of separation of hours for research and dissertation writing, and internship period.¹⁷⁴ Only specific and some elective legal modules may vary depending on the LL.M direction. Previously, much of the first year which started in September and finished in June and the first semester of the second year were devoted to studying the so-called common-methodological disciplines. Such mandatory disciplines included: strategy of socio-economic development of Uzbekistan, research methods, pedagogy, foreign-practical language (usually English), and IT (computer science). It was expected that by concentrating on, for instance, the research methods, master students would gain knowledge necessary for conducting a graduate level research and would additionally, skill up in teaching law. Curriculum also offered four elective modules, decision making theory, teaching methodic of specialized disciplines, and two specialty-related disciplines for each program.¹⁷⁵

It is unclear yet how such disciplines will be incorporated into one-year curriculum. By taking into consideration a general international trend in LL.M programs, TSUL will have either to reorient LL.M curriculum into practice-oriented direction only and slightly decrease its requirements for master's thesis, or continue with numerous major, theory and pedagogy related modules. In the last case, the TSUL will have to carefully consider an option of a non-written master thesis course, otherwise, LL.M program will change into short and unreasonably burdensome program.

Presently, such modules as research methods, IT (computer science), foreign practical language intend to provide students with some practical skills of learning and applying various legal research methods, for example, work with bibliographical data, and obtain initial skills in drafting research papers. Introduction of such advanced research disciplined originating in western legal education systems is a complete novelty for graduate law students in Uzbekistan. Because of the absence or critical shortage of relevant specialists and professional literature on commencing legal research and drafting academic papers in law, their implementation remains ambiguous.

Internship

Previously, even when the LL.M remained as the research, rather than practice-oriented study, all students had to undergo a regular internship (*Kvalifikatsionnaya praktika*). It is a well-established practice that master students undertake their legal research in close cooperation with practitioners of legal institutions or departments where they can obtain more practical knowledge and research data for their dissertations. Usually LL.M students undergo their internships in law enforcement agencies, courts, MOJ, relevant ministries or private law firms. As an example, in

¹⁷⁴ Until 2018, within the first three semesters, LL.M students had to cover about 10-15 modules, do their research and internship. In the fourth semester students were expected to dedicate their time for research, internship and completing drafting their dissertation.

¹⁷⁵ The majority of modules were taught in Uzbek and Russian languages. Some modules, for example corporate governance were taught in English.

2016-17 academic year, out of 112 second-year master students, 70 were assigned to 32 public organizations the rest opted for the private sector.¹⁷⁶

III.2.c. Teaching methods and assessment

Post-2013 reforms brought in a handful of young specialists with relatively creative and up to date ideas and skills, particularly towards interactive way of teaching law. Even though reforms did not change the traditional ‘top-down’ method of lecturing entirely, they have acknowledged and formalized the necessity of interactive legal education within the syllabus system. Presently, the TSUL is in the initial stage of gravitating from the predominantly *ex-cathedra* method of lecturing towards the problem-solving and analytical discussion methods. Yet it is unclear how long and how successful the factual transition to modern methods of teaching law in Uzbekistan will be. As many instructors still lack the necessary skills in commencing active learning sessions, sharing with and learning from international partners who prove successful in implementing such classes is one of the crucial preconditions for resultative future of the LL.M.

By pausing on functional disconnection of legal education from legal practice, the TSUL has recently initiated a broader involvement of practitioners in the process of teaching LL.M students not only a black letter law but also its practical implementation. While some of the practice-oriented classes slowly gravitate towards ‘personal experience stories’ or experimental ‘question-answer’ sessions, some students report that certain specialists from outside indeed successfully combine the theory-practice based approach in their lectures. As this system is yet premature in Uzbekistan, there is no unified approach among part-time practitioners from outside as to the most effective teaching methods to implement in-class practical training. Elaborating such methods or at least, model theory-practice oriented class design would help to create more efficient practice-oriented curricula focused on combatting inefficiencies of the legal profession.

Another remarkable novelty is the distribution of necessary reading data and exam questions through information and communication technology accessible by LL.M students. Although the TSUL is still far from offering access to authoritative legal research databases and referencing or academic tools, offering open access to at least some general reading materials is an advantage for students in terms of slightly stimulating independent research. Certain steps towards a wider utilizing authoritative legal databases, especially in foreign languages and from various legal systems would be crucial do develop LL.M level student’s knowledge on their majors in the comparative perspective.

TSUL implements a multi-stage assessment mode for LL.M students including through several written and oral exams. Final written exams are closed book sessions and students have to rely on explicitly on memorized information and skills in resolving certain legal disputes. Class participation in which supervisors can evaluate the analytical, problem-solving skills plays a dominant role as well. There is no credit system of grades. Assessment is carried through the same rating system as in the LL.B.

III.2.d. Graduation requirements/exam(s) for obtaining a degree

To obtain a master’s degree, LL.M students need to attend all mandatory modules and undertake practice-based internship with legal departments of public or non-public organizations. While commencing the internship students must skill up in certain professional areas and collect

¹⁷⁶ Obtained from <http://www.tsul.uz/ru/struktura/otdeli/otdel-magistraturi> [accessed January 6, 2018].

necessary research data for their master's thesis. As a final stage, students pass the state attestation (exam) on one profile discipline and write a thesis on their major topic.

The final state attestation is a form of exam on specialty module which may be conducted in oral, written or in the form of tests.¹⁷⁷ As a rule, professors and other staff from the relevant chairs create the program of the state attestation for specific specialty module in close cooperation with scholars from external organizations who can advise additionally from theoretical or professional viewpoints. Every final state attestation program also undergoes screening by the Academic Council of the TSUL.

Final attestation exam seeks to evaluate LL.M students' theoretical knowledge, practical skills, and ability to apply gained academic skills in future legal profession. Annually, chairs upload each exam's questions to the webpage approximately one month before the exam date. Hence, students have enough time to get familiar with questions (which include both, domestic and foreign legislation) shape of the exam and general requirements to the examinees. Final exam is not an open book session and, therefore, requires that students memorize law and theory. On a designated day, LL.M students come and sit for a couple of hours to provide their written answers for exam questions chosen by a lot. All LL.M students also take exam on practical foreign language, which is usually English and includes written and oral assessment.

The final step is a master's thesis examination. According to the guidelines, the thesis is an independently written research paper which requires students to demonstrate their awareness of theoretical and practical aspects in their chosen fields. Furthermore, the theoretical aspects of the master's thesis must be applied or tested in practice. In other words, LL.M students, in the process of their graduate studies, must promote their research ideas with various public structures with a view to finally implement them. Such requirement raises many reasonable concerns additionally with regard to the academic immaturity of Uzbek LL.M candidates to make proposals or implement own recommendations into real legal practice. This requirement also remains somewhat unfeasible for students in light of the fact that curriculum does not stipulate any relevant modules on legal policy-making or clear guidelines on how to implement thesis outcomes into practice. Compared to general trends, the LL.M thesis must rather be qualitative, raise a concrete research question or argument and involve available academic discussion based on scientific arguments. While such elementary academic necessities remain sporadic in the thesis writing guidelines, placing such a serious academic value to offer proposals for domestic legal practices appears unrealistic.

Scholars and practitioners who form the State Attestation Commission preside during the oral defense and briefly question each student after he has presented own topic. Usually each defense takes around 20-25 minutes and afterwards commission issues results. It is rare that student fails a graduation thesis's oral defense, however, if such case takes place, a student is eligible to lodge application for the revision or re-examination of the results with the commission itself or TSUL's rector. After successful oral defense, graduates obtain a degree of LL.M.

III.2.e. Career placement (legal/para-legal/non-legal)

As long as LL.M graduates are considered as young researchers they have the right to teach in HEIs in Uzbekistan. So, some graduates start their career as a junior faculty member in one of

¹⁷⁷ The contents and the form are to be decided by the special council (*Kengash*) and confirmed by the Rector. Refer to the typical exam program on the final attestation, <http://www.tsul.uz/en/education/magistracy> [accessed August 3, 2018].

the academic chairs of the university on a full or part-time basis. Traditionally, a small amount of them later apply for doctoral courses (PhD). Others seek employment as law professionals in public or non-public sectors and, often, their possession of a master's degree in law is highly evaluated by the perspective employer. Furthermore, master's degree may contribute in terms of career promotion for those working in the public sector and even result in extra payments to their salaries. Comparatively to graduates from humanities and science, law graduates, especially those with LL.M degree rarely chose non-specialty employment because public and private sectors relatively often offer vacancies for lawyers.

III.3. Law chairs, centers and faculty staff profile

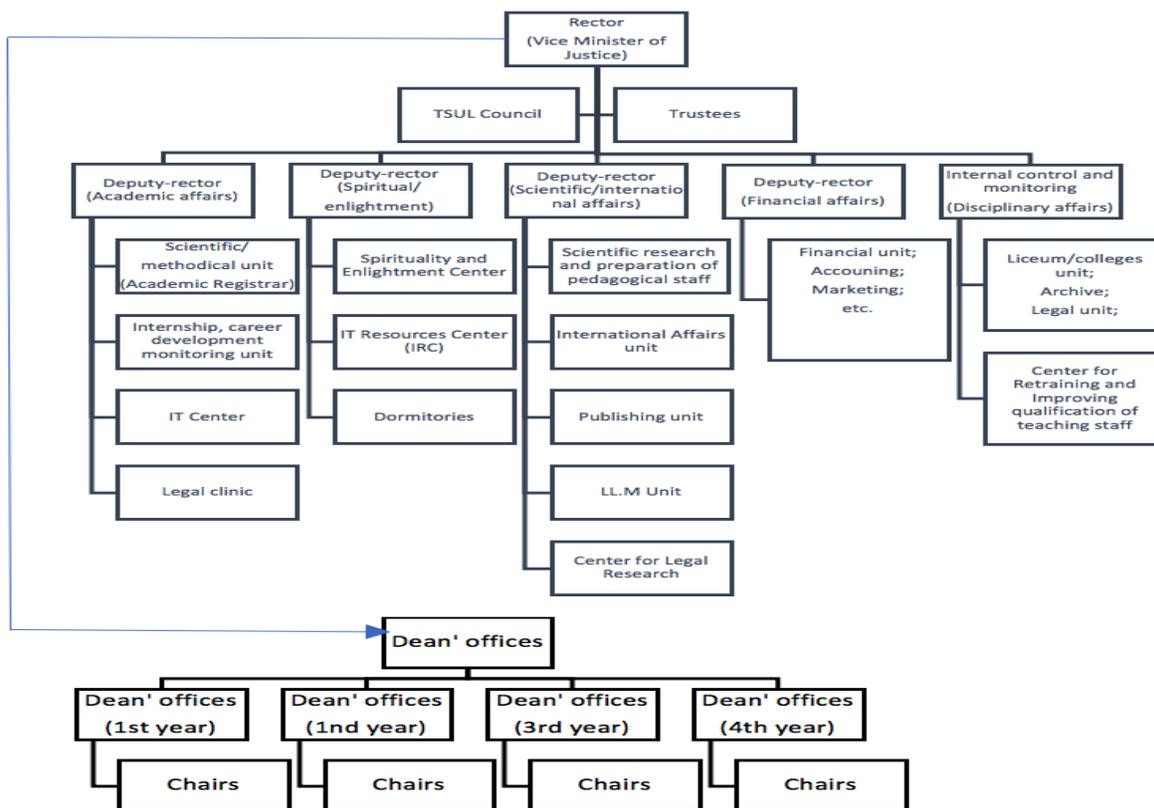


Figure 3.10: Post-2017 Organizational-administrative structure of the TSUL.¹⁷⁸

Within each course, headed by a dean, the key structural units are the chairs of law created for particular branches of legal and non-legal subjects. In Soviet times, it was usually a professor who headed the chairs. Presently, the TSUL's academic policy cares less about the academic title but instead requires the person who is heading the chair to possess organizational skills, creative ideas and readiness to devote plenty of time to the chair's academic and non-academic affairs. Senior and junior teachers of a similar specialization group around the head of a chair. Each chair has its office within the TSUL where its members may conduct their research or deal with relevant teaching and other issues.¹⁷⁹ Before 2017, there were 9 chairs, however, by 2017, the total number

¹⁷⁸ *Postanovlenie Prezidenta Respubliki Uzbekistan 2932 O merakh Po Korennomu Sovershenstvovaniyu Sistemi i Povisheniyu Effektivnosti Podgotovki Kadrov v Tashkentskom Gosudarstvennom Yuridicheskom Universitete. April 28, 2017.*

¹⁷⁹ Sometimes, a student who specializes in the same law area work in the chair on a non-paid base.

of chairs is 14.¹⁸⁰ The TSUL decided to increase the number of chairs in hope that it will help to simplify and speed up general academic affairs workload.

A head of the chair appoints a member of the chair as a particular module supervisor. This supervisor bears the responsibility for teaching quality, assessment and preparation of study materials which should be including books approved by the MOHSSE, cases, and/or other research data.¹⁸¹ Upon preparation of study and research resources, every module supervisor must upload them into specific module folders within the TSUL database which is accessible by all students.¹⁸² Sometimes, the module folders offer students such essential resources as handout materials, videos and exam questions. The Academic Registrar's Department is a recent novelty which acts in close cooperation with chairs and integrated multiple functions partly obtained from dean's offices.¹⁸³

Centers

In 2013, a former Institute of Philosophy and Law under the Academy of Sciences of Uzbekistan was reorganized into the Center for Legal Research (CLR) and placed as a separate unit within the TSUL. According to the regulation, CLR is intended to promote domestic research related to law and democratization as well as collaborate in legal drafting and enforcement politics. One of the responsibilities of the CLR also includes developing study materials for TSUL and other law teaching HEIs.¹⁸⁴ Practical aspects of the CLR's activities have not demonstrated any outstanding education or research achievements yet, possibly, because of the fact that it does not stimulate the work of recognized scholars and maintains no modest or no ties with foreign and domestic partners.

The Center for Retraining and Improving the Qualification of Teaching Staff is a recent unit at the TSUL aimed at retraining law mentors teaching in secondary-specialized education institutions, such as law colleges and lyceum. Furthermore, it offers some advanced courses for teachers of law in higher educational institutions.¹⁸⁵ This center was established in 2017, and therefore is now in its initial stage of activities.

¹⁸⁰ The Chair of Theory of State and Law, the Chair of Public (State (*Gosudarstvennoe*)) Law and Administration, the Chair of Civil Law, the Chair of Civil – Procedural Law, the Chair of Criminal Law, the Chair of Criminal - Procedural Law, the Chair of Labor Law, the Chair of Business Law, the Chair of Ecological and Agrarian Law, the Chair of International Public Law, the Chair of International-Commercial Law, Language Training Center, the Chair of Non-Profile Disciplines, the Chair of Tax and Customs Law.

¹⁸¹ *Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniyu Sistemy Podgotovki Yuridicheskikh Kadrov*. June 28, 2013.

¹⁸² Refer to, www.mytsul.uz

¹⁸³ The main tasks of the Academic Registrar's Office include, the educational and methodological activities of the university, monitoring the development and implementation of curricula in the educational process, establishing the schedule of hours of the teaching staff and monitoring their performance, monitoring the quality of teaching, the process of various technologies and the analysis of their effective use, forming state attestation commissions for the final state attestation and organizing their activities, as well as the development of proposals to improve the quality of examinations and the development of students' self-study skills. Refer to; <http://www.tsul.uz/en/structure/academic-registrar-s-office> [accessed on August 6, 2018]

¹⁸⁴ *Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniyu Sistemy Podgotovki Yuridicheskikh Kadrov*. June 28, 2013.

¹⁸⁵ *Postanovlenie Prezidenta Respubliki Uzbekistan 2017 O merakh Po Korennomu Sovershenstvovaniyu Sistemi i Povisheniyu Effektivnosti Podgotovki Kadrov v Tashkentskom Gosudarstvennom Yuridicheskom Universitete*. April 28, 2017.

Faculty staff profile

The TSUL widely adheres to the Soviet style of academic posts and rankings. While entering legal academic profession as a junior, one takes a position of assistant lecturer and then grows to senior lecturer. Later, usually close to 40, one may become assistant professor and finally, after 10 or more years - a professor. Usually the positions of associate professor and professor can only be obtained by experienced lecturers who wrote their doctoral dissertations, obtained relevant degrees and produced volumes of high-quality research.¹⁸⁶ However, there are many exceptional cases when outstanding lecturers were granted the title of associate professor without necessarily obtaining doctoral degree.

Full-time associate professors and lecturers carry a heavy burden of academic and administrative work. Even though TSUL is in its initial way of introducing active learning methods, most of lecturers were educated domestically and thus, face difficulties in switching from old-fashioned format of teaching black letter law to the Socratic method. Most of the teachers are graduates of the TSUL who experienced only a top-down method of teaching and learning law. Some senior members studied in the former law faculty of the TSU (*TashGU*). Recently, the TSUL increasingly attracts practitioners from aside to teach on a part-time basis in order to make study process less static. However, practitioners' courses rarely prove to be dynamic and interactive, mainly because such practitioners lack relevant skills and simply do not have enough time for preparing to lecture and searching study materials for their students. Furthermore, given the nature of practitioner's main job, they often have to skip classes and university has to ask other full-time instructors for a temporary replacement. In such circumstances and given the shortage of lecturers at the TSUL, many full-time instructors, often from different departments, take in an obligatory way an additional burden of teaching work. Some are even asked to teach disciplines they have never mastered before.

A very limited number of faculty members who studied abroad try to widely promote interactive study in the faculty. While they are committed to incorporate their experience gained abroad into the academic process, they virtually come into conflict with some seniors who oppose the direct implementation of Western. Nevertheless, the TSUL demonstrates some positive signs of gradual switching into interactive learning and the majority of lecturers seem to support it. Nearly all faculty members with foreign degrees simultaneously teach in different universities or take second jobs (usually in well paid foreign NGOs) because of the low, unsatisfactory salaries. Such negative tendency eventually results in brain-drain from law faculties.

Chair	Total quota for lecturers	Total number of lecturers	Professors DSc (<i>Doktor Nauk</i>)	Assoc. Professors (<i>Kandidat Nauk</i> or Ph.D)
Business law	20	16	2	0
Theory of State and Law	14	7	3	4
Public Law and Administration	9	8	1	2
Criminal Law	16	16	3	2
Criminal Procedural Law	15	14	0	5

¹⁸⁶ In Uzbekistan, it is usually; Candidate of Legal Science (C.L.C) which has been recently replaced with PH.D. and Doctor of Legal Science (D.Sc.).

Labor Law	7	7	0	1
Language Training Center	33	28	2	3
Common Methodological Subjects	23	23	0	5
Civil Law	16	4	3	4
Civil Procedural Law	15	19	0	6
International Public Law	11	10	0	2
International Commercial Law	7	5	0	2
Ecological and Agrarian Law	7	3	1	3
Physical Training	5	5		0
Total	198	165	15	39

Table 3.9: Statistical data on teaching and research support staff at the TSUL for 2017-2018 academic year. Source: TSUL, International Department.

III.4. Library and resources

The TSUL inherited from its predecessor - the law faculty of the TSU (*TashGU*) an extensive law library composed basically of high-quality research and study resources on socialist law. These resources were further transmitted to the Information and Resources Center (IRC) at the TSUL.¹⁸⁷ Up to date, IRC contains about 274.000 hard copies of predominantly domestic books and periodicals published both in the USSR and Independence periods.¹⁸⁸ Furthermore, the IRC is listed among the institutions which regularly obtains laws, regulations and other relevant updates from public organs.¹⁸⁹ One of the positive developments is that IRC has initially started providing referencing and citation services for students, faculty members and other researchers. In addition to that, IRC maintains two electronic catalogues and e-data circulation system which informs faculty about newly arrived bibliography.¹⁹⁰ Foreign partners and donors have been also contributing certain books and periodicals to the IRC.¹⁹¹

In the last couple of decades, the TSUL has published itself and obtained books on various legal disciplines. Authored mainly in Uzbek and sometimes in Russian, these publications intended to fill an existing gap of limited resources about local legal system. The quality of such books is

¹⁸⁷ In accordance with the *Decree of the President of the Republic of Uzbekistan of June 20 2006 No. PD-381 On the organization of information and library services for the population of the Republic*, the library of the Institute was transformed into the Information and Resource Center. (IRC) The IRC of TSUL was further reformed in accordance with the *Decrees of the President of the Republic of Uzbekistan of June 28, 2013 No. PD-1990 On measures of further improving the system of pre-service training of legal personnel* and of 28 April 2017 No. PD-2932 *On measures of radical improvement of the system and increasing the efficiency of staff training in Tashkent State University of Law*.

¹⁸⁸ Up to date it contains about 274024 items, legal science - 65489 items, pedagogy - 97475, dissertation depository - 1987 items. International Department, 2018.

¹⁸⁹ *Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniyu Sistem Podgotovki Yuridicheskikh Kadrov*. June 28, 2013.

¹⁹⁰ ARMAT and KaDaTa. GERMES.

¹⁹¹ For example, Glasgow University - 146 books, Nagoya University - 36 books, Boston School of Law - 86 books.

often ambiguous given the methodology, style and bibliographical sources, which are limited to legal statutes and a very small number of similar domestic or Russian studies.

Another critical aspect which is partly affected by the underfunding issue is a limited access to legal research databases. Even though university runs the IRC, its database is limited to the scanned materials of some usually outdated Russian or Uzbek-based studies and, sometimes, old English articles. There is also no professor or faculty member who would professionally train about IT assisted legal research, legal styles and provide other forms of IT research support with a focus on separate legal disciplines. Critical aspects also touch upon legal literature in foreign languages, basically in English. Given the high market prices of new legal publications, and restricted budget of the TSUL's library, recent legal studies remain largely unavailable. Furthermore, there is no access to any of the English based legal research databases; like JSTOR, HeinOnline, EBSCO etc.

III.5. International cooperation

The TSUL has several international agreements for research cooperation and faculty staff/student exchange with foreign academic institutions and research entities particularly in Asia. For example, Nagoya University, which is one of the hubs for university network in Asia established partner ties with the TSUL back in 2000s. In particular, Center for Asian Legal Exchange (CALE) and Graduate School of Law of Nagoya University launched in 2005 the Research and Education Center for Japanese Law (CJL) at the TSUL to provide educational opportunities for undergraduate students of the TSUL to study Japanese legal systems in Japanese language. Specially designed CJL program is split into two steps and enables undergraduate students to study on the extracurricular basis, Japanese language academic skills, and then, during the second year, Japanese history, politics, society, and law. CALE regularly dispatches to Tashkent native Japanese language instructors who, in close collaboration with locally recruited specialists intensively train TSUL LL.B students. Nagoya University organizes summer seminars as well as admits to the Graduate School of Law of Nagoya University those graduates who demonstrated outstanding academic performance in CJL.¹⁹² By 2017, 54 of the TSUL graduates obtained their master degrees at Nagoya University (GSL). Apart from Nagoya University, the TSUL also maintains academic ties with Osaka University.¹⁹³

In 2013-2014, the TSUL has concluded academic agreement with the North-West University of Politics and Law (China), and a cooperation memorandum with the East-Chinese University of Political Science and Law (China). Both agreements target mainly research cooperation, and to a lesser degree - academic exchange.¹⁹⁴

In 2016, the TSUL concluded academic agreement with the German University of Administrative Sciences (Speyer), and German Research Institute for Public Administration. In 2017, the TSUL signed a memorandum with the Boston College Law School (Program for

¹⁹² Refer for further details, http://cale.law.nagoya-u.ac.jp/about_us/kyoten_eng.html or <http://cjl.law.nagoya-u.ac.jp/content/2> [accessed on August 6, 2018]

¹⁹³ In 2016, a professor of the Graduate school of law and political science of Osaka University was appointed as a Vice-Dean in charge of the Center for Retraining and Improving qualification of teaching staff which is a recent unit at the TSUL. Such appointment came as a part of activities initiated by a recent gravitation of the higher educational system of Uzbekistan towards internationalization. This position is however formal and does not require Japanese professor's regular presence in Tashkent.

¹⁹⁴ Similar agreements were also concluded with the Toulouse 1 Capitole University and Shanghai University of Politics and Law.

trainings teaching skill developments of TSUL lecturers) and now in the process of elaborating academic cooperation and exchange programs. There are also cooperation ties and activities with foreign research organizations which often act as donors in international scientific or academic projects. For example, the Konrad Adenauer Program is one of those initiatives which focuses around training and short-term courses for the teachers in their subject areas, organization of conferences, roundtables, developing materials and research publications.

Sub-Conclusion to the Chapter

The TSUL is a leading HEI in Uzbekistan *de facto* pertaining a monopoly on domestic legal education. Absence of any form of private higher legal education and 2013 reforms which terminated a handful of other local law faculties, restricts access to legal education in the regions and heavily centralizes it around the TSUL which is situated in the capital city. In fact, out of 788 students admitted in 2018, only 149 are from Tashkent, whereas 634 came from regions. Their daily and accommodation expenses in the capital city, as well as the highest, among the domestic HEIs, tuition fee is a heavy burden on their family's budget, because traditionally, Uzbek market does not offer part-time jobs for students with adequate salaries for covering mentioned expenses and there is also no flexible education loan system.

In the context of limitation of state-sponsored grants, a gradually increasing quota for contract-based study and amount of its tuitions fee as well as admissions based on extra high payment rates (up to 30.000 USD), is another point of concern demonstrating certain signs of legal education's gravitating towards commercialization. It is a commonly accepted fact that public HEIs in Uzbekistan desperately need funds, including extra budget assets, to develop their infrastructure and address numerous academic and human resources related issues. On the other hand, incomparably low wages in Uzbekistan and absence of alternative options, make it nearly impossible for many middle-class families to afford covering legal studies of their kids.

Admissions policy also attracts critics regarding a limited access to legal education for female. Recent amendments which offer admissions exam benefits to male candidates with a military background heavily limit female candidates' chances to just and equal access to legal education. On the other hand, similarly to the practices from many other states, the government needs to stimulate and raise the prestige of its military service and offer certain benefits to the military men. In this regard, tensions would be less serious and access to the education would be equal for all if the government could consider in the nearest future a separate quota for such military men.

Within several years the legal curriculum has undergone major changes. Terminating many humanity and common-methodological disciplines in favor of specialty modules demonstrates a gradual shift from theoretical to practical character of education. This is obviously the most critical aspect of reform because it aims to change the core structure and the philosophy of legal education doctrine in Uzbekistan which evolved since 1936 post-Pashukanis curriculum period and worked predominantly in the theory mode. Among several grave concerns mentioned about the curriculum in this chapter, the crucial would touch upon the adaptation of the case study law into legal curriculum. While studying law based on analyzing concrete and relevant cases proves to be successful in many countries, yet it is unclear how this method demonstrates itself in Uzbekistan - the country which does not offer rich and helpful legal practice material which would form a ground for case-law study. In very exceptional or limited circumstances, a handful of law instructors, by relying on own rich experience and potential, may be able to re-construct available

or create new cases, and successfully integrate them into course curriculum. The factual situation however demonstrates that majority of law instructors in Uzbekistan does not have such experience and simply cannot conceptualize the mere idea of successful case study doctrine.

Presently, many young people wish to obtain a degree in law by motivating it with their goal of working as a prosecutor or judge. On the other hand, the profession of lawyer (*advokat*) in Uzbekistan is not popular as it is, for example, in the Western hemisphere, in Japan or in Korea. In the developed countries, working as a lawyer is popular due to its financial stability, freedom and independence, and lack of routine associated with public sector jobs. Among many reasons why young people in Uzbekistan give their priorities to work as a prosecutor or law enforcement agency officer rather than *advokat* is a high authority and wide competence of these public institutions. Employment in the law enforcement sector, which left totally unchanged since the Soviet era, presupposes enabling huge administrative resources, or in other words, simplifies a decision-making process by omitting many burdens in addressing concrete legal issues. Perhaps, independent, and more creative research-based curriculum might stimulate young people in Uzbekistan to reconsider in the future their views and approaches towards legal profession.

IV. University of World Economy and Diplomacy (UWED) International Law Faculty: Globalizing with Socialist Characteristics Introduction to the Chapter

Attached to the Uzbek Foreign Affairs Ministry (from now on, the MOFA) the University of World Economy and Diplomacy (from now on, the UWED) was created in 1992 in Tashkent with a primary objective to train a new generation of highly educated young leaders, who would have a firm grounding in foreign affairs, including, law, economy and politics.¹⁹⁵ In the USSR period, it was the Ministry of Foreign Affairs of the USSR based in Moscow and pertaining an exceptional monopoly to deal with all international affairs.¹⁹⁶ Similarly, the Moscow State Institute for Foreign Affairs and, the Diplomatic Academy of the Ministry of Foreign Affairs of the USSR (also Moscow - based) served as the only official gateway for future Soviet diplomats to obtain required training and secure their employment in the USSR's foreign ministry and its diplomatic missions abroad.¹⁹⁷ Therefore, in the post-Soviet Uzbekistan, to develop own diplomacy and maintain multilateral ties with foreign and international actors on an adequate level, the UWED has been primarily assigned the responsibility for preparation of specialists in the fields of inter-state relations, international economic relations, and international law.¹⁹⁸



Image 4.1: The UWED, Facade.

Presently, the UWED is one of the most prestigious educational entities in Uzbekistan with one of the highest admissions score records, numerous educational and research centers, as well as multiple foreign partners and donors. Another feature of this university is that, due to a relatively advanced foreign language training and numerous international academic agreements, many of its students, upon completing their programs, continue their graduate studies abroad. In August 2018, the government initiated wide-scale reforms of the UWED regarding shortening the length of study, improving a study process and offering a wider financial competency. Ongoing reforms initially affected admissions numbers and transferred its law department into one with the highest tuition fee rates in the country. Notwithstanding the long-standing prestige and ongoing reforms in this university, a closer look at the curriculum, teaching methods, and study materials unveil several grave concerns which are worthy of discussion and hopefully, improving one day.

¹⁹⁵ *Ukaz Prezidenta Respubliki Uzbekistan 474 o Sozdanii Universiteta Mirovoy Ekonomiki i Diplomatii.*, 1992. It was the second new university with a law faculty to be created in Uzbekistan after the dissolution of the Soviet Union. (First, was the TSUL - August 1991).

¹⁹⁶ Even though there was the Ministry of Foreign Affairs in the Uzbek SSR and other former Soviet Union republics, they had no competence in foreign politic's decision making process. Refer further to: *Postanovlenie Soveta Ministrov Uzbekskoy SSR N-253 Ob Utverjdenii Polozheniya o Ministerstve Inostrannyh Del Uzbekskoy SSR*, Iyul 23, 1988.

¹⁹⁷ Only a handful of natives from Uzbekistan had been professionally trained and further appointed into diplomatic positions. As an example, the Uzbek Foreign Affairs Minister Kamilov (as of April 2018) is one of the graduates of the mentioned Diplomatic Academy of the USSR. "Ministry of Foreign Affairs of the Republic of Uzbekistan - Administration," <https://mfa.uz/en/about/management/>. [accessed on April 23, 2018]

¹⁹⁸ Initially, it also presupposed preparation of specialists in the field of international journalism., *Ukaz Prezidenta Respubliki Uzbekistan 474 o Sozdanii Universiteta Mirovoy Ekonomiki i Diplomatii.*

Faculties

There are three departments (faculties) in the UWED; (1) International Economics and Management, (2) International Public and Private Law (from now on, International law), and (3) International Relations and Political Science. In light of recent 2018 reforms of the MOFA system which also echoed in the UWED, the government initiated a new department - Guiding and Interpreting which, as of now has no well-elaborated state education standard.¹⁹⁹ All departments contain undergraduate (bachelor's) and graduate (master's and doctoral) programs. As the primary goal of this research is to explore the legal education in Uzbekistan, this chapter will focus explicitly on the International Law (Jurisprudence) department.²⁰⁰

In the summer of 2018, right before the admissions round, a president issued a particular order regarding the UWED which touched upon its several organizational matters. Notably, starting from the 2018-19 academic year, the government decided to decrease a five-year LL. B program to four years, whereas students who enrolled before such novelty will follow a five-year curriculum.²⁰¹ The present chapter will shed light on existing standards and specific innovations which aim to reform the LL.B program's profile.

VI.1. Undergraduate level (LL. B in International Law)

VI.1.a. Admissions and selection (requirements and entrance exam, admission numbers and state-sponsored grant/contract-based study, stipend, classification by language/regions/gender)

Requirements and entrance exam

Admissions fall into the competence of the admissions committee headed by the rector of the UWED and a responsible secretary. A candidate applying to the International Law Department of the UWED is a subject of the same application requirements as in the case of the TSUL. In particular, an applicant is required to have completed a full 11-year program of secondary education or graduated from secondary professional or vocational school. As evidence, applicants must submit original copies of relevant diplomas to the admissions committee. As a part of the application procedures, the applicant is also required to submit a medical certificate on the prescribed form, the passport or certificate of birth (for those who have not reached the age of 16), and application with the indication of direction (International Law, State Educational Standard - 5A240105) and language of education.²⁰² As of 2018, the UWED has been implementing only a

¹⁹⁹ *Postanovlenie Prezidenta Respubliki Uzbekistan N 3795 o Merah Po Sovershenstvovaniyu Deyatel'nosti Universiteta Mirovoy Ekonomiki i Diplomatii*, 2018.

²⁰⁰ International law faculty was established in 1996. In 2002 the faculty was renamed to the of Faculty of Jurisprudence (International legal activity). In 2018 it became the Faculty of International Public and Private law (International law) Apart from three main departments, the UWED also includes; the Language Training Center, the Institute of Management, Higher Diplomatic School (with MBA courses), the Center for International Economic and Political Studies, the Center for International Legal Research and Comparative Public Law, the Legal Clinic, the Center for IT and Distance Learning, the Information Resources Center, the Japanese Centre, the Korean Centre, the Laboratory for Negotiations, the Center for Teaching of Conference Interpreters, 18 administrative and scientific departments, Academic Lyceum. UWED, International Department. Refer further to, *Ibid*.

²⁰¹ Because the four-year curriculum remains unclear to the moment of drafting of present research and given the fact that the five-year curriculum will continue until 2023 and will be largely incorporated into the four-year curriculum, the present chapter will focus on a five-year LL.B curriculum.

²⁰² *Postanovlenie Kabineta Ministrov N594 (Prilojenie)*, 2018. Also, *Resolution of Cabinet of Ministers of the Republic of Uzbekistan 118, June 18, 2010*.

full-time version of the LL.B Program in International Law, and there are no options like part-time, online-interactive or double degree program in the department.

Traditionally, admission exam is highly competitive and contains two separate rounds - (1) the preliminary written exam and (2) tests.²⁰³ The first round is a three-hour exam which falls entirely to the competence of the UWED. It implements three blocks of written assignments to examine intellectual capacity, native language, and foreign language skills of each candidate.²⁰⁴ Those applicants who can demonstrate certificates of foreign language proficiency from commonly-recognized institutions automatically obtain a maximum score from language exam.²⁰⁵ A total score for the preliminary exam is - 100, (40, 30, 30 for each block respectively) and in order to proceed to the second stage (tests) applicant must obtain at least half in each block.

Nest stage is a test exam which falls to the competence of the State Testing Center. Each candidate must have passed three blocks (subjects) of entrance tests; Russian or Uzbek (native) language and literature (depending on the applicant's preference), history (similarly, in Russian or in Uzbek), and foreign language test (usually, English, but there are also applicants each year who take French or German and, study it as a first foreign language upon admission).²⁰⁶ Since 2018, holders of CEFR B1 level of foreign language exam (conducted regularly by the State Testing Center) and other official certificates automatically obtain the maximum score without taking tests on foreign language.

Before 2018, each of the three subjects contained 36 questions, which made it 108 in total and offered 226,8 points as the maximum score. Since 2018, the number of questions for each subject was decreased from 36 to 30 making it 90 in total, whereas the time for entrance exam remained the same (3 hours). Each correct answer for a single test question gives an applicant a certain point. Thus, one correct answer for the history test question is equal to 3.1, English - 2.1, while native language and literature - 1.1. Thus, if an applicant correctly answers all 90 questions, the total maximum score will compose - 189. Those few who achieve the highest test scores in the entrance tests are likely to be admitted on the state-grant basis (without tuition fee). Others may get enrolled in case if they agree to cover the tuition fee (contract-based study).

Similarly, to the TSUL, some applicants may waive the entrance tests the or enjoy special admissions privileges. For example, winners of domestic Olympiads (inter-disciplinary competitions among high schools) or international competitions can automatically enroll upon submitting the relevant certificates.²⁰⁷ Men who undergo their military service in Uzbekistan and wishing to enroll in higher education entities are also eligible for generous privileges. In particular, if they obtain a score more than 100, they get extra 50 percent out of achieved score added to their final results.²⁰⁸ Such a scheme makes many of them uneasy to compete.

²⁰³ A preliminary written exam was introduced in 2018. Before there were only entrance tests. *Postanovlenie Prezidenta Respubliki Uzbekistan N 3795 o Merah Po Sovershenstvovaniyu Deyatel'nosti Universiteta Mirovoy Ekonomiki i Diplomatii.*

²⁰⁴ *Ibid.*, Several instructors from relevant departments of the UWED independently elaborate questions for this exam.

²⁰⁵ *Postanovlenie Kabineta Ministrov N594 (Prilojenie).* IELTS - not less than 5,5, TOEFL IBT - not less than 61, a minimum of B2 CEFR, GOETHE certificate, or DALF.

²⁰⁶ Preparation of entrance tests as well as notification on results for all domestic higher education entities, fall into exceptional competence of the State Test Center. Refer further to; *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan 258 o Sozdanii Gosudarstvennogo Centra Testirovaniya pri Kabinete Ministrov Respubliki Uzbekistan.* 14 May 1994.

²⁰⁷ *Postanovlenie Kabineta Ministrov N594 (Prilojenie), also Annex V, 1-6 Postanovlenie Kabineta Ministrov N226.* 10.

²⁰⁸ The citizens (In Uzbekistan, only men undergo a military service) who served in the armed forces of the Republic of Uzbekistan along with the above-stated documents present the originals of their military identification card and the

2018-2019 Admissions exam scores		
	Top state-sponsored grant score	Top contract-based score
Russian language course (<i>Evropotok</i>)	248.5	192.2
Uzbek language course (<i>Natspotok</i>)	-	208.8

Table 4.1: Admissions exam scores in the UWED LL.B program are one of the highest in Uzbekistan. Notable, while the maximum score is 189, some candidates who get an extra score added as part of military benefits, may reach a score of up to 200, thus leaving behind those who are not eligible for such privileges.

Those few who achieve the highest test scores in the entrance tests are likely to be admitted on the state-support grant basis (without tuition fee). Others, whose score is lower than state grant winners, are enrolled in case if they agree to cover the tuition fee (contract-based study). Hence, the admissions quotas for the UWED are not distributed among the regions of Uzbekistan (i.e., regional quota) but based merely on the highest entrance tests results.

Admission numbers and state-sponsored grant/contract-based study

The 2018-19 enrolment quota varies significantly from the previous years. First of all, the number of applicants was visibly smaller only 153 people, apparently because new admissions rules of the UWED’s LL.B program provided official quota for 45 students only, out of which nine were state-grants and 36 - contract (tuition fee) based seats. Simultaneously, the UWED divided nine state grants in the following way; 5 seats for groups with Uzbek language (*Natspotok*), and four seats for Russian (*Evropotok*). The rest enrolled on a contract-based placement.

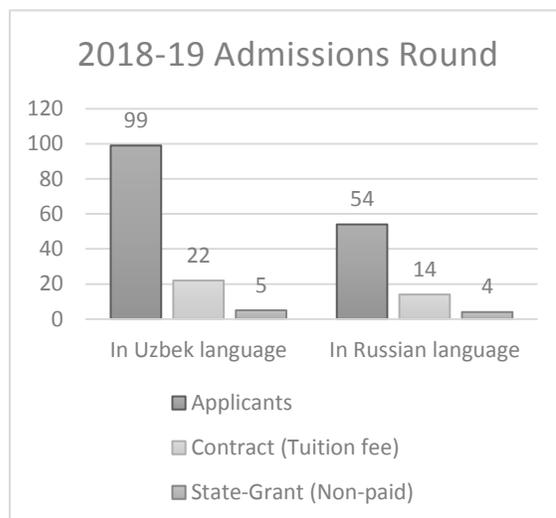


Fig 4.1: 2018-19 Admissions quota (state-rants, contract-based placements).²⁰⁹

recommendation of commanders of military units in the place of service. Refer further to; *O‘zbekiston Respublikasi Qurolli Kuchlari safida muddatli harbiy xizmatni o‘tab bo‘lgan fuqarolarga imtiyozlar tizimini takomillashtirishga oid chora-tadbirlar to‘g‘risida”gi 2012 yil 31 maydagi PQ-1765-son qaroriga o‘zgartirish kiritish to‘g‘risida”gi 2017 yil 4 apreldagi PQ-2867-sonli Qarori*, 2017.

²⁰⁹ Numbers provided by the UWED Admissions Board. Refer further to, <http://uwed.uz/en/pages/reminder-to-entrants> [accessed on September 11, 2018]

As an example, in the 2017-18 admissions round, 90 students out of 530 applicants could enroll in the LL.B program. Out of 90, only five students with the top scores in the admissions tests could obtain the state-sponsored grants (three in *Natspotok* and two in *Evropotok*), while the rest 85 enrolled on a paid-contract basis. One student enrolled on the outside official quota basis, which makes the total of 91 students.

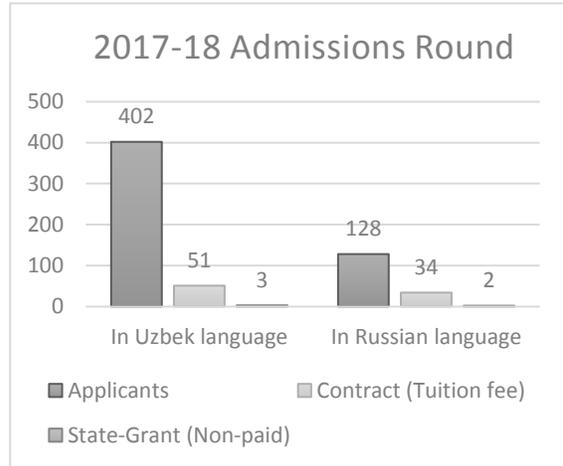


Fig 4.2: 2018-19 Admissions quota (state Grants, contract-based placements).²¹⁰

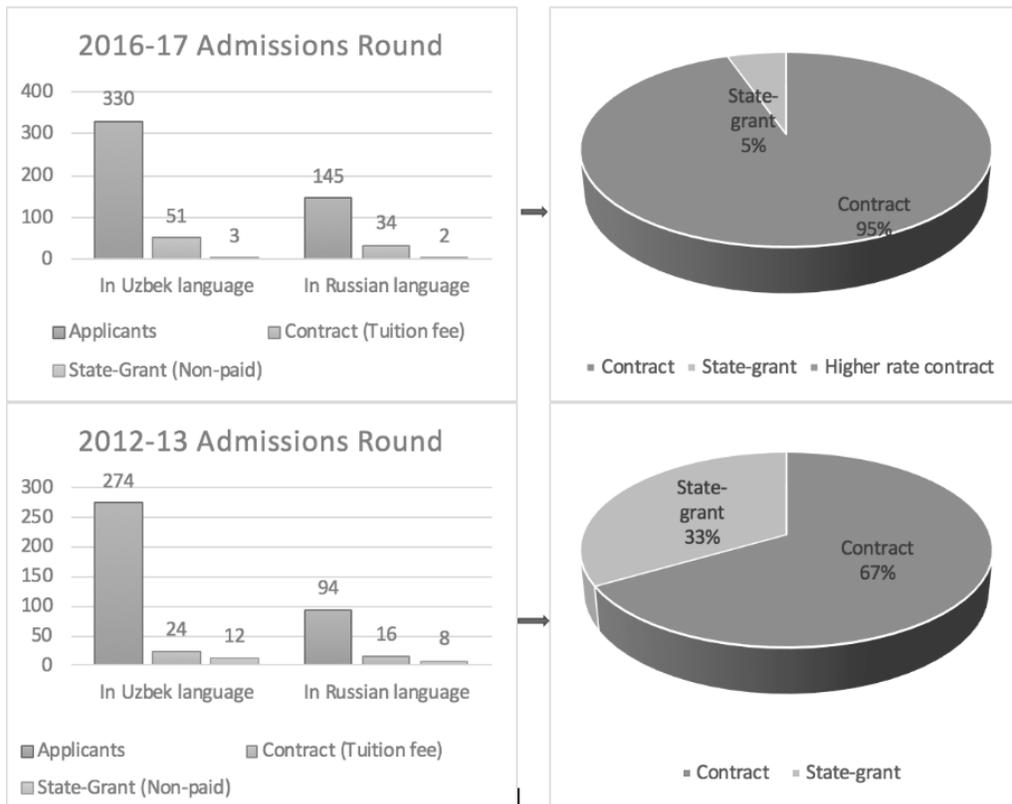


Fig 4.3: Admissions dynamics in 2012-2017.²¹¹

The data analysis on the admissions quotes between 2012-2017 evidence that while the number of applicants and admissions quota was rising, the government decreased state-sponsored

²¹⁰ State Testing Center, 2017.

²¹¹ State Testing Center, 2012, 2017.

quota from 20 in 2012 (33 percent out of 60 students), to only five in 2017 (less than five percent out of 90 students).²¹²

Furthermore, in 2017 the government has introduced a new system of additional (outside of the official quota) admissions into higher educational institutions at higher contract rates.²¹³

Therefore, one could suppose that the actual number of the UWED’s LL.B students would rise significantly in the nearest future, and its proportion of self-support (tuition fee-paying) students would compose a vast majority. However, in light of recent 2018 reforms, the government decided to limit the quota twice - to 45 students only which is similar to the results of 1994.

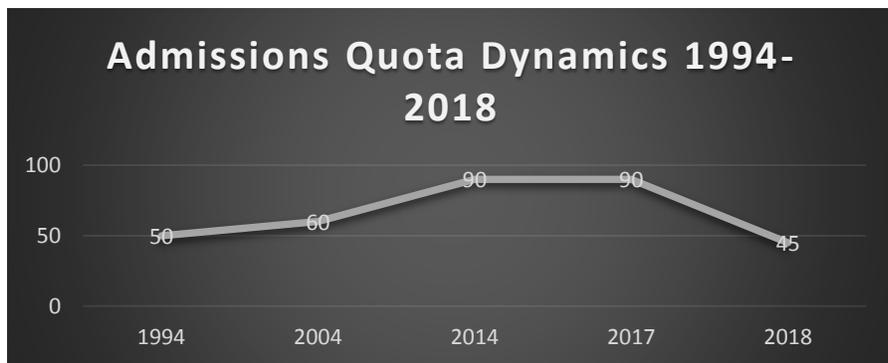


Fig 4.4 Official Admissions Quota from 1994 shows a stable increase in annual placements whereas in 2018 there is a sudden shift down.

Source. Compiled from the STC and UWED Admissions Board.

There are some speculations that government initiated such steps because of its intention to implement the former Soviet-system of compulsory employment for UWED graduates in public institutions. In particular, the relevant regulation of the Cabinet of Ministers provides a list of organizations which highlights the dissemination of UWED’s graduates among them.²¹⁴ Those enrolling on higher contract rate (outside of formal quota), however, might choose their employment freely.

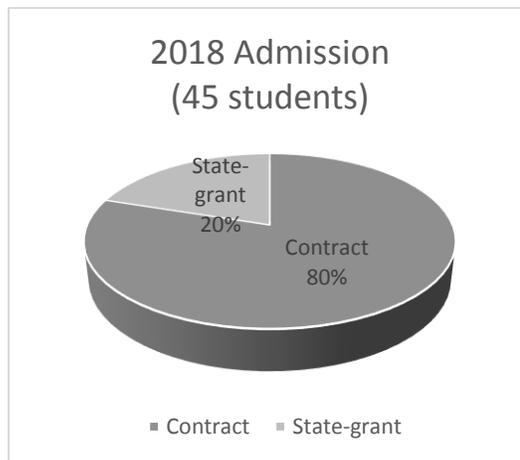


Fig 4.5: The 2018 admissions demonstrate the state-grant quota has increased for the first time in the last ten years.

Source: UWED, International Department.

²¹² Whereas in 1994, only 50 seats were available in the International law Department. *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan O Priyome Studentov V Universitet Mirovoy Ekonomiki i Diplomatii N111*, 1994.

²¹³ Starting from 2017 academic year, the government introduced a new system which enabled many applicants with low scores (68 and more points) to get enrolled into higher education entities on a higher contract amount. In the International law department of the UWED, such contract rate is about 246.000.000 Sum, (about 30.000 USD), which is one of the most expensive contract rates among HEIs in Uzbekistan.

The number of additional quotes is to be determined by the State Commission based on the potential of particular higher education entity as well as the major of study. Refer further to, *Postanovlenie Prezidenta Respubliki Uzbekistan 2955.*, 5.

²¹⁴ *Postanovlenie Kabineta Ministrov N594 (Prilojenie).*

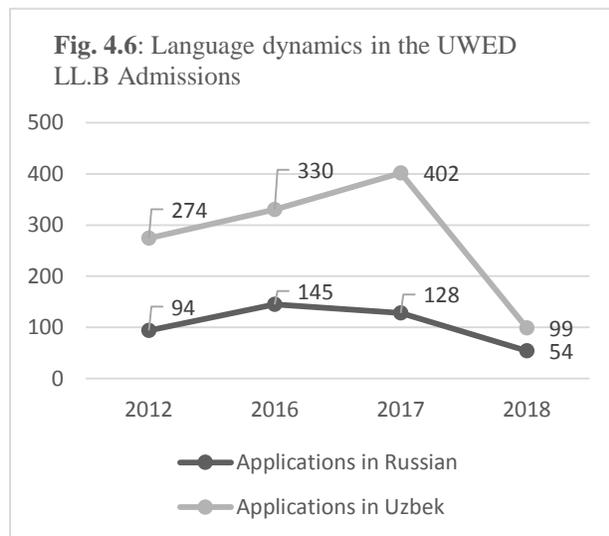
Stipend

All students receive a monthly stipend to cover a certain amount of living expenses. Upon excellent studies, the UWED raises its amount, but not very high. Uzbekistan inherited this system of providing financial support to students from its Soviet past. Presently, the actual amount of stipend is far from being enough to cover the tuition fee and accommodation. Nevertheless, even this symbolic support helps many students to cover some daily expenses like lunch or/and transportation. Furthermore, a higher stipend which students can receive upon excellent marks, stimulates them to perform better during their studies.

With the introduction of the new tuition fee system in the UWED in 2018, some students may terminate their stipend. In such case, the amount of their tuition fee will decrease, but not significantly.

The government, via MOHSSE, offers a minimal number of stipends to students who demonstrate excellent academic progress starting from their second year of studies. For obtaining such stipends, a student must correspond to specific criteria, such as publications, high academic performance, knowledge of language and participation in scientific projects.²¹⁵

Classification by language/regions/gender



According to the 2018 admissions results, out of 45 enrolled students, 27 enrolled in *Natspotok* (Uzbek language) and 18 into *Evropotok* (Russian language). For example, in the previous year, out of 530 applicants, 402 applied for *Natspotok* (52 enrolled), whereas only 128 for *Evropotok* (38 could enroll). Statistical data on applicants and their preferred language education course demonstrates that a tendency of decreasing applicants choosing their education in the Russian language will be decreasing in the future, while the number of applicants wishing to study in the Uzbek language will be growing.

The existing practice demonstrates that close to the graduation of the LL.B program, some Russian speaking students who hesitated using the Uzbek language before, could master it or, at least, got used to essential daily communication. Similarly, those students who spoke mainly in Uzbek could master or understand better Russian. Furthermore, by experiencing the same study environment and sharing similar challenges during the program, students could overcome the language barrier and benefit regarding making new friends and contacts.²¹⁶ However, on the other

²¹⁵ Annex III, *Postanovlenie Kabineta Ministrov N226*.

²¹⁶ It is one of the long-term issues that students enrolled into *Evropotok* or *Natspotok* rarely or almost never communicate with each other in many educational entities of Uzbekistan. Among the language barriers, such factors as school education, social environment, media and entertainment play crucial role in the dichotomy of young people in Uzbekistan. Refer further, David Macfadyen and David MacFadyen, *Russian Culture in Uzbekistan: One Language in the Middle of Nowhere* (Routledge, 2006); Pauline Jones Luong, *The Transformation of Central Asia: States and Societies from Soviet Rule to Independence* (Cornell University Press, 2004).

hand, it posed serious challenges and difficulties when the lecturer introduced legal theories in a language that was not a *lingua franca* for some part of students.

A couple of years ago, the UWED authorities decided to revise and change this long-term tradition of non-separation LL.B students into specific language courses. So, according to newly established rules, in the initial first and second academic years, students are separated into two courses; Russian language groups (*Evropotok*), and Uzbek (*Natspotok*).²¹⁷ From the third to fifth academic years, the dean's office dissolves these groups by creating instead new, mixed groups with a balanced number of students from Russian and Uzbek language backgrounds. Thus, students are exposed to a multilingual environment from the third year, but not from their first year as it was initially. Many of the currently enrolled students criticize and complain to their principals against this new policy, by often referring to their inability or unwillingness to adapt to the language shift and socialize with new groupmates who do not speak well their language.

Between 1992-1998, the government carried out admissions in the UWED by considering regional requirements for lawyers with an international background. Within the mentioned period, International Law faculty implemented admissions policy according to a regional quota principle (distribution of seats in proportion between administrative-territorial units). Furthermore, the government still bore in mind the old socialist-oriented educational approach of giving a preference for enrollment of young people with the proletarian background.²¹⁸ Later this system was abolished as outdated and based on an unfair competition among applicants. Presently, there are no geographical limitations (regional quotas) but admissions based on a higher exam score.

Even though the UWED does not impose a regional quota anymore, a statistical data from all five admission rounds between 2013-17 demonstrates that the highest number of applicants usually come from Tashkent city, Samarkand, Ferghana, and Kashkadarya, given the fact that these territories are the most populous in Uzbekistan. Within these four leading regions, Tashkent city occupies a largest space in terms of admission numbers, thus leaving behind a wide gap with other regions. Apparently, another reason behind the highest number of admissions might be a relatively prosperous economic situation in the capital city comparing to the one in the periphery. Normally, incomes in the capital are higher and therefore, many parents can afford covering high tuition fees for their kids. (Refer to the figure and description below).

²¹⁷ For example, in 2016, the State Commission has elaborated the quota for International law Department in the following way; 36 seats for Russian language groups, and 54 seats for Uzbek. Refer further to; *Postanovlenie Prezidenta Respubliki Uzbekistan 2955*;

This data is also available at <http://dtm.uz/oldfiles/?mod=average-passing-points-for-2016-2017> [accessed December 11, 2017].

²¹⁸ *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan O Priyome Studentov V Universitet Mirovoy Ekonomiki i Diplomatii N111*.

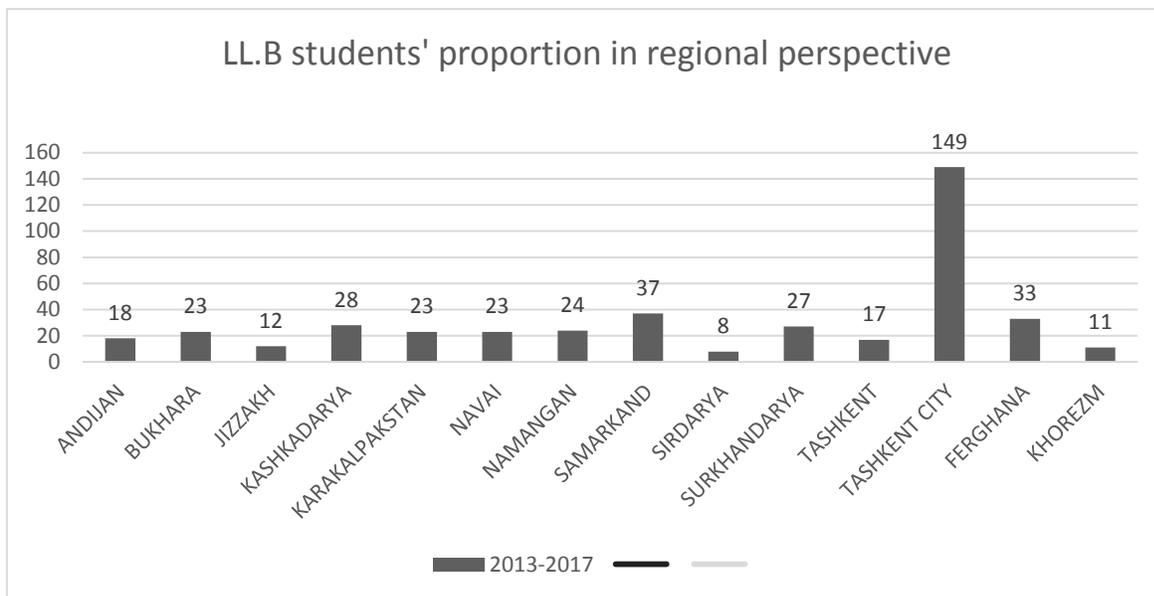
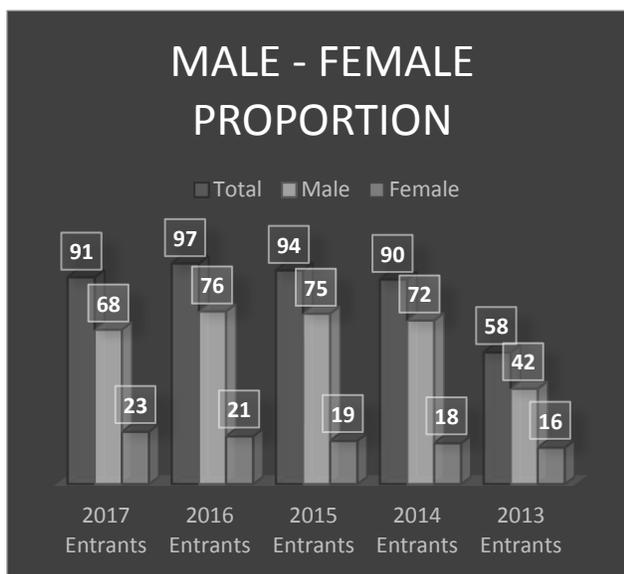


Fig 4.7: Number of admitted students to the UWED in academic years between 2013-17 (All five courses) in the regional perspective. (Statistical data includes number of students in admission years 2013, 2014, 2015, 2016, and 2017 from each region (12 regions, the Republic of Karakalpakstan, and capital city Tashkent). The total number of students at the TSUL as of 2017, 433 students. Out of that the biggest number is from Tashkent city - 149 students, whereas the smallest from Sirdarya region - eight.

There are no sexual restrictions for studying in the UWED. Comparatively to the TSUL, there are slightly more female students in the International Law Department of the UWED which may be explained by the mere interest and intention of the female population to work for the international sector. However, according to a recent novelty in HEIs admissions guidelines, male applicants who undergo a military service obtain large benefits during entrance exam.²¹⁹ For example, out of 433 current LL.B students, 68 could enroll by obtaining military admission benefits during entry exams. As the number of such applicants annually increases, it is uneasy for female applicants to compete male candidates and enroll into the TSUL.

Fig 4.8: Number of admitted LL.B students to the UWED in academic years between 2013 -17 in gender perspective. In the 2017-18 admissions year, the number of females composed slightly more as compared to previous years. UWED, International Law Deans Office, 2018.



²¹⁹ O'zbekiston Respublikasi Qurolli Kuchlari safida muddatli harbiy xizmatni o'tab bo'lgan fuqarolarga imtiyozlar tizimini takomillashtirishga oid chora-tadbirlar to'g'risida"gi 2012 yil 31 maydagi PQ-1765-son qaroriga o'zgartirish kiritish to'g'risida"gi 2017 yil 4 apreldagi PQ-2867-sonli Qarori.

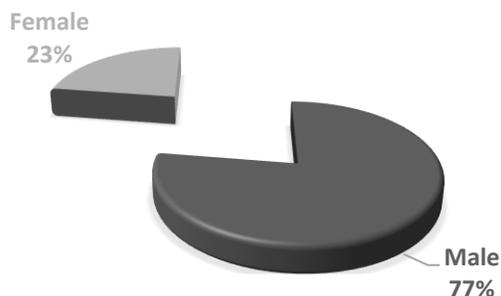


Fig 4.9: A number of admitted LL.B students in gender perspective. (Between 2013-17 the total female population of did not exceed 23 percent out of total number of entrants.

Source: UWED, International Law Dean's Office, 2018.

IV.1.b. LL. B Curriculum (preparatory process, time division, and academic disciplines, internship)

In general, HE in Uzbekistan requires undergoing two essential levels: a four-year bachelor program and a two-year master program.²²⁰ Comparing to the TSUL, which implements a four-year program for bachelors, UWED's LL.B in International Law program continues implementing its five-year program. A full switch into a four-year curriculum is expected only by 2023.²²¹ While the law states that the specifics of the UWED require a five-year curriculum, there is no further clear explanation on this point.²²² Many students often criticize a five-year LL.B curriculum in the UWED by pointing to the fact that it takes only four years to obtain LL.B degree in law in the TSUL. Moreover, those students who pay their tuition fee often complain that they need to cover the tuition fee in the fifth academic year which widely involves an internship and there is no regular study as such.

Preparatory process

De jure, it is the MOHSSE which implements academic standards of the International Law Department of the UWED under the code 5240100 (5A240105 International law). This code (*Napravlenie*) includes formal qualification requirements for training general international law specialists. A codified database formally regulates legal academic disciplines, curriculum, semesters, qualification internships, assessment, and quality control.²²³ Thus, in theory, it is the MOHSEE that works out international law curriculum, confirms the syllabi, directs the preparation and publication of law textbooks for students, and determines the number of academic positions in the faculty.²²⁴

²²⁰ Exception includes programs in medicine, which takes up to 9 years.

²²¹ The four-year curriculum covers only those who enrolled after 2018. Hence, the 2017 and earlier entrants will continue studying on a five-year term until their graduation in 2023. *Postanovlenie Prezidenta Respubliki Uzbekistan N 3795 o Merah Po Sovershenstvovaniyu Deyatel'nosti Universiteta Mirovoy Ekonomiki i Diplomatii*, 5.

²²² *Postanovlenie Kabinetov Ministrov Respubliki Uzbekistan N 225*, 1998.

²²³ *The 2001 State Educational Standards Reeregulation. Postanovlenie Kabinetov Ministrov Respubliki Uzbekistan ob Utverjdenii Gosudarstvennyh Obrazovatel'nyh Standartov Vysshego Obrazovaniya. S izmeneniyami i dopolneniyami*, N23, 2017.

²²⁴ Government determines a number of teaching staff based on a number of students. Now a proportion is 1 teacher to 11 students and this proportion is expected to be reduced smoothly by 2020 year and become 1 teacher to 9 students. This will let the universities to enhance a quality of teaching. Interview with Assoc Prof. I.A March 2017.

De facto, the MOHSSE has no direct knowledge of the implementation of law curricula, (especially when it comes to international legal disciplines), lacks experience in the preparation of legal textbooks and has no necessary expertise in law teaching methods. Therefore, it is often the chairs within the faculties (both at the UWED and TSUL) who perform a leading role in organizing academic curricula within law faculties, prepare textbooks or other study materials, guide the teaching and assessment of students and perform other academic affairs. Hence, while the MOHSSE has an exceptional monopoly in implementing educational standards, its role is somewhat of a formal character when it comes to the actual organization of the study process in law faculties.²²⁵

Time division and academic disciplines

In order to complete their bachelor's degree, students have to undergo a five-year course, composed of non-elective legal, para-legal and non-legal disciplines, commence several internships, take exams and submit a final qualification paper (graduation thesis). Each academic year is divided into two semesters, making it ten semesters in total. Every semester is composed of about 20 teaching weeks.²²⁶ The UWED students carry a burden of 28 to 32 hours of mandatory theoretical lectures and seminars per week. The curriculum does not offer elective subjects.²²⁷

Much of the first year which starts in September and finishes in June is devoted to studying some social and humanitarian subjects; history of Uzbekistan, philosophy, logic, culture, economy, and, the history and theory of law and state²²⁸. By pausing on such subjects like the theory of state and law (*Teoriya gosudarstva i prava*), one may notice that the study process designers relied heavily on a Soviet curriculum which emphasized on a state-centrism approach in law. Furthermore, labeled as mandatory under the MOHSSE requirements, first-year students also study a block of 'politically-oriented subjects,' religion and spirituality, basic principles of national ideology, the theory of democratic society construction in Uzbekistan. Mandatory training also includes non-legal disciplines like physical training, Uzbek/Russian language, first foreign language (usually English), and courses on advanced math and IT. At the end of each semester, students have two weeks (*sessiya*) during which they need to have their earned grades recorded in individual rating books. If a student earns minimum grades for every discipline, then he officially completes the course and may transfer to the next. In July and August, first-year students leave for holidays.

In the second year, students mandatorily study the same non-legal social and humanitarian disciplines. Only a handful of legal and para-legal disciplines added, such as constitutional law, constitutional law of foreign countries, world economic geography and ecology, and a short course

²²⁵ Based on several interviews with faculty staff N. and D. it was revealed that UWED usually utilizes the TSUL elaborated study programs in several of its chairs. These programs are further confirmed the MOHSSE. An interview with M. and B. has revealed that publication of textbooks is often in the competence of special commissions

²²⁶ Exception is the fifth course in which students have a relatively small academic burden and mainly commence internship and write their graduation thesis.

²²⁷ LL. B in International Law program provides no classification into specialties (legal majors) as it is the case in the TSUL (starting from its second year).

²²⁸ Also, the history and theory of state and law of foreign countries (former history and theory of state and law of bourgeois countries). Scholars point that legal education in the CIS countries inherited the so-called state-centrism approach which is evidenced by necessarily including theory of state and law into law curriculums. Christopher P. M. Waters, *Counsel in The Caucasus: Professionalization And Law In Georgia* (Martinus Nijhoff Publishers, 2004), 78.

on legal-political theories.²²⁹ One particular feature of the UWED is that starting from the second year, students study a second foreign language; English (for those who do not study it as a first language) French, German, Spanish, Italian, Chinese, Japanese, Korean, and Arabic.²³⁰ In the second year, the first and second foreign languages occupy a substantial part of the study curriculum. After finishing the second course in July, students must undergo a foreign language internship in public or non-public institutions. Several years ago, UWED practiced dispatching some students to the overseas diplomatic or consular missions of Uzbekistan as interns in case if they covered all expenses independently. However, since 2005 this practice has been terminated, and students take a language internship domestically. This internship is a mandatory part of the curriculum and, therefore, after completing it, students must submit official internship reports to the faculty.

The legal curriculum in the third year of studies includes courses on sociology, pedagogy, prosecutor's supervision, the world economy, criminalistics, law enforcement agencies,²³¹ and foreign languages. Only in the second semester of the third year, students start studying fundamental legal disciplines, such as; civil law, criminal law and criminal procedural law, administrative law and administrative-procedure law, and tax law. Starting from the third grade, students also take the international humanitarian law, international public law, international private law, human rights, international intellectual property law, as well as some additional courses on the theory of international relations, and international negotiations. At the end of the third year, students must undergo a one-month professional legal internship with a law firm or other external public or non-public organization to gain practical experience.

In the fourth year, students continue studying international public and private law and, additionally, concentrate on; corporate law, family law, Islamic law, civil procedural law, labor law, and business law. Furthermore, there are two additional non-legal disciplines; accounting and audit, as well as scientific methods. There is also a one-month professional internship at the end of the fourth year. Among most common public organizations, students chose the Ministry of Foreign Affairs, Ministry of Foreign Trade, Central Bank, and other public or private institutions.²³²

In the final fifth year, students study only one semester, while another is spent for an internship, final exams, writing a graduation thesis and holding a public oral defense. During the first semester, students have to cover; corporate law, EU law, banking law, international transport law, international private law, international trade law, diplomatic and consular law, international protocol and etiquette, strategic data analysis. From mid-February to mid-April, students undergo the so-called qualification internship. This internship is particularly crucial because many students write their graduation thesis trying to tie it to their practice placements. For example, it is easier for students undergoing their internship in the legal department of the Oil and Gas Company to get

²²⁹ Political-legal studies (*Politiko-pravovie shkoli*) is the only political science discipline in the curriculum.

²³⁰ The UWED incorporates a foreign languages department based in the separate building within the campus. Some instructors are foreign volunteers of international organizations or visiting researchers. For example, JICA, KOICA and some German academic agencies often dispatch volunteers to Uzbekistan who commence teaching languages in many local universities.

²³¹ These disciplines are widely believed to be left from the former Soviet legal educational system when a primary task of the law HEIs included training future prosecutors and security police officials. Refer for details to Doklad Vyshinskogo, *Osnovnie Zadachi Nauki Sovetskogo Sotsialisticheskogo Prava*; S.S Alekseev, *Vvedenie v Yuridicheskuyu Special'nost'* (Moskva: Yuridicheskaya literatura, 1976).

²³² Refer for details to next section on Internship.

relevant research data if their graduation thesis is about land concession or production sharing agreements.

Furthermore, some students view their qualification internship placements as a potential employment place. Upon completing an internship and submitting relevant reports to the faculty, students take final state exams on the history of Uzbekistan (written) and main foreign language (writing, speaking). The final stage is the submission of graduation thesis and its oral defense.

Internship

While core subjects are intended to give the law students a basic grounding of practical skills required by a beginning lawyer, another form of training - internship (often-referred in Uzbekistan as *praktika*) is intended to enable students to become practically familiar with the legal profession. In total, 19 weeks are given to the LL.B students to visit a particular public or non-public legal institution or department as an intern. Out of these 19 weeks, usually five weeks are given over for a ‘language internship’²³³ (at the end of the second year) and 14 weeks for the ‘professional internship’ (end of the sixth semester of the fourth year) and the pre-diploma, ‘qualification internship’ (end of the fifth year).²³⁴ Given the specifics of the UWED, the MOFA and MFT accept the most significant number of students. The rest of the students undergo their internships in the legal departments of other public (MOJ, Courts, Banks) or private institutions (legal, consulting or insurance firms, enterprises, private companies). Tiny amount chooses law enforcement agencies.²³⁵ While some students remain highly disappointed with the assigned tasks during the internship, others recommend themselves as capable and very prompt persons, and upon their graduation may get a job offer by the prospective employer.²³⁶ At the end of the internship period, a student has to submit to faculty a formal report about the practical activities undertaken in the respective organization. Such reports are only valid upon confirmation by an appointed supervisor from the organization. Moreover, as all internships are part of the curriculum, students take, although formal, internship exam. If a student fails to undertake internship activities adequately, UWED may impose disciplinary sanctions up to the withdrawal from the university.²³⁷

²³³ Also referred as to “Language internship”

²³⁴ *Postanovlenie Ministerstva Yustitsii Respubliki Uzbekistan, Verkhovnogo Suda Respubliki Uzbekistan, Vysshego Hozhaystvennogo Suda Respubliki Uzbekistan, General'noy Prokuraturi Respubliki Uzbekistan, Ministerstva Finansov Respubliki Uzbekistan, Ministerstva Vysshego i Srednego Spetsial'nogo Obrazovaniya Respubliki Uzbekistan N 2548 Polojenie o Poryadke Prohojdeniya Studentami Yuridicheskikh Obrazovatel'nyh Uchrejdeniy (krome Voyennyh, Spetsial'nyh Vysshih Obrazovatel'nyh Uchrejdeniy) Oznakomite'noy i Kvalifikatsionnoy Praktiki, a takje Stajirovki.* December 31, 2013.

²³⁵ Usually prosecutor’s office or customs committee.

²³⁶ Some students remain highly frustrated by regular administrative tasks, such as technical and burdensome paperwork, ex; organization of files on the shelves and separation of documents, archival work, transferring documents between departments. Some are often asked to regularly make tea and coffee for their superiors and supervisors. There are similar trends in many other former USSR states, for Example in Ukraine or in Georgia. Refer further to, D. Wes Rist, *The Export of Legal Education: Its Promise and Impact in Transition Countries* (Routledge, 2016) 44.

²³⁷ *Postanovlenie Ministerstva Yustitsii Respubliki Uzbekistan, Verkhovnogo Suda Respubliki Uzbekistan, General'noy Prokuraturi Respubliki Uzbekistan, Ministerstva Finansov Respubliki Uzbekistan, Ministerstva Vysshego i Srednego Spetsial'nogo Obrazovaniya Respubliki Uzbekistan N 2548-1 O vnesenii Izmeneniy i Dopolneniya v Polojenie o Poryadke Prohojdeniya Studentami Yuridicheskikh Obrazovatel'nyh Uchrejdeniy (krome Voyennyh, Spetsial'nyh Vysshih Obrazovatel'nyh Uchrejdeniy) Oznakomite'noy i Kvalifikatsionnoy Praktiki, a takje Stajirovki.* November 22, 2017., 22.

IV.1.c. Teaching methods

Since its establishment in 1992 and up to the present days, the International Law faculty mainly adheres to the Soviet-style passive learning format of teaching with a primary focus on memorizing the black letter law and rarely, critics as passed down by the instructor. Technics of legal training aimed at utilizing critical thinking skills and abilities to understand and apply the law in a meaningful way remains widely unknown to many lecturers. A traditional, top-down method of teaching black letter law in the form of *ex cathedra* lecture does not stipulate any collaborative discussion. Students, in their majority, play the role of rather passive recipients of knowledge presented by lecturer/instructor. In most of the cases, students are expected to take notes of such lectures (*konspekt*) which is supposed to perform a role of handwritten support material of a particular discipline.²³⁸ Given the speed and clarity of lecturer's reading skills, it is usually a handful of students who write down what was said, while the majority of students disregard such passive learning considering it purposeless as they never refer to these notes.²³⁹

The core principles and technics of the Socratic method or the Dalton plan of instruction, widely used in Japanese, Korean and Western laws schools, are still unknown to lecturers in Uzbekistan. Only a handful of young faculty members who studied abroad sometimes introduce interactive methods such as class discussions and debates, as well as note the importance of referring to comparative legal materials. While they do so, the older generation of professors who were trained predominantly in the Soviet system often opposes such novelties.

The legal education system in the UWED relies heavily on lectures during which instructors present to students a broad picture of the subject, referring mainly to codes, statutes, and regulations mixed up with a minimal theoretical explanation. Hence, in the circumstances of passive learning, students often do not have a chance to go deep into the conceptual details and thus broaden their knowledge horizons. Occasionally, given the multiple teaching language problems (instructors teach the law in Russian and Uzbek) or conceptual misunderstanding, some students try to engage more actively by interrupting a lecturer for clarification or raising additional questions. While some lecturers who realize the necessity of adding clarity respond to students' questions, others cut any attempts to interrupt the lecture and hence, discourage further discussion.

Hence, the general content of teaching law is very abstract and theoretical as it focuses mainly on the domestic and some elementary principles of international law. For example, a comparative law component briefly incorporated to specific disciplines (constitutional law of foreign states)²⁴⁰ focuses mainly on the conceptual distinctions between the common law and civil law, without going into details how countries which belong to different legal systems address and resolve the same legal issue. It is rare that students upon their graduation gain adequate understanding and skills in comparative legal methods, just because it is not a part of the curriculum and, additionally, because they never use specific literature, including international cases written mostly in foreign languages.

²³⁸ Some lecturers sometimes do not prepare for class and the format of the lecture resembles more to the dictation of book, article or code section. In other words, lecturer just simply reads the paper and students take notes. Such 'lectures' sometimes last for 90 minutes and the time spent without a particular benefit heavily exhausts students.

²³⁹ When evaluating students at the end of the course, all lecturers check whether students have these notes, without accentuating on the quality and clarity of the handwriting as such. In these conditions, many students who were not taking (*konspekts*), automatically copy the notes taken by other students at the end of the semester.

²⁴⁰ A former, 'Bourgeois Legal Systems'. Refer to, *Law, Studies by Soviet Scholars* (Social Sciences Today Editorial Board, USSR Academy of Sciences, 1985), 141; Butler, "Soviet International Legal Education."

Only some mature instructors with the Western type of legal education or rich scientific background can merge the theory and practice as well as refer to the foreign laws or cases in their classes. As an example, presently, a handful of such scholars by utilizing their vibrant scientific and practical background, successfully incorporate doctrinal, comparative law and case study methods in their classes on administrative law. In particular, notwithstanding a lack of real legal cases from the national court practices, these scholars by relying additionally on their experience gained from active research and involvement into administrative law reform in Uzbekistan, created an adequate syllabus for their students which contains essential components on theory and practice. Their high level of pedagogical preparation is another essential component in legal education which reflects in well-structured and well-organized classes. Such a case is an exception or extremely rare in the UWED. In many other disciplines, lecturers do not have enough professionalism, for example, to compose a case or correctly pick up any case from a foreign jurisdiction and demonstrate its applicability in Uzbek law. Those who refer to cases of other countries' experience tend to limit their focus to the brief overview of the case background without pausing much on facts, application of the law, merits and judgment details.²⁴¹

The primary concern of the present curriculum is its failure to integrate theoretical-dochtrinal aspects with educational-practical implications. Lack of practical training and unawareness of students about the professional legal ethics is another serious challenge in the UWED. Several years ago, the government decided to introduce some exceptions to the static teaching method by attracting more legal practitioners into the study process. The government considers that a greater emphasis put on the practical training of law students will ensure, if not entirely, then at least to a certain degree, their being equipped to fulfill tasks assigned by the prospective employer.²⁴² Indeed, one may observe that the contents of courses offered by practitioners are more interactive as compared to the traditional lectures, however, in many cases, such courses gradually transform into regular 'sharing of an interesting personal experience' or simply, question-answer sessions which do not tie the actual practice to the theoretical background. Sometimes, when practitioners shared their remarkable experience in dealing with resonance cases, and many students seemed to like it, such 'active learning sessions,' in fact, did not go further than making merely a temporary, deep impression. Furthermore, being often far from an excellent legal scholar, many practitioners lack another vital component which is essential to the study process, namely, being an excellent legal educator. It is a well-established fact that even if a high-class practitioner who is entirely familiar with the doctrinal aspects of the law lacks essential pedagogical skills, he will not succeed in transferring own knowledge to a younger generation of lawyers.

The law curriculum also stipulates a significant amount of time for the independent study used for revising the material and obtain some additional knowledge on each discipline. The UWED students do not have separate individual study laboratories, but there is a big reading hall where students can do their assignments after classes until evening.²⁴³ In practice, however, the self-study through reading and regular assignments is often replaced by revising the notes that lecturer dictates during the lectures. The textbook problem, including lack of translated

²⁴¹ Even such disciplines as EU law and Human Rights law which are primarily based on referring to the case law from international courts and tribunals (UN Human Rights Committee, European Court of Justice, European Court of Human Rights), are limited to studying international conventions and statutes only.

²⁴² See also the sec on Clinical Legal Education in the UWED

²⁴³ It however cannot accommodate all UWED students.

international or comparative material as well as the absence of external sources, such as legal research databases, legal academic tools result in limited data which is necessary for self-education.

IV.1.d. Assessment (oral assessment, tests, term exams)

Lectures are followed by seminars in the form of tutorials with a group of 15-20 students and one instructor.²⁴⁴ During the seminars, students are usually questioned (often one by one, sometimes in the group) about the material studied during the course (lectures). In these seminars, students are expected to rely heavily on the taken notes '*konspekts*', or offer a solution to a situational case by referring to the provision of codes or statutes. Those students who could memorize the largest amount of information as reflected in codes and statutes and have a well-recorded note of the lecture, receive the highest grade. In some cases, lecturers are not even interested whether students understand well theoretical or practical implications, but rather focus on their memorizing abilities and automatic application of written statutory provisions. At the end of each seminar, the instructor evaluates every student's activity by granting points which will eventually compose one part of academic assessment out of the total grade.²⁴⁵ Apart from seminars, curriculum allocates a certain amount of points for lecture attendance. Hence, those students who skip some part of the lectures, risk losing these points and end up receiving a low total grade for a particular discipline.²⁴⁶

Once, students complete studying specific legal subject through lectures and seminars (for example, constitutional law), their apprehended knowledge is assessed through examination in the form of computer-based tests.²⁴⁷ In general, lecturers warn that such tests cover the discipline itself and do not go beyond the instruction material presented during the lecture. However, in practice, such tests often include questions which were not covered during the lecture, or sometimes even not related to the subject area. Tests usually include between 30-40 questions on theory and students have about one hour to provide their replies. After the student responds to all questions, the result immediately appears on the screen. Lecturer further adds this result to the lecture and seminar participation scores. Those who do not appear on the test day have a chance of resubmission upon obtaining approval from the dean.

Finally, in the last days of the semester, students take term exams which form another essential component of assessment. This type of assessment involves written exams. A supervisor, in collaboration with other instructors, draft assessment questions for written exams out of the lecture program of studied discipline. The questions are purely theoretical and do not speculate any practical-situational cases.²⁴⁸ Instructors distribute questions in the auditory right before the exam starts. Therefore, students do not have time to do some preparations in advance. As long as the format is a closed-book exam, students are not allowed to use books, codes or notes taken

²⁴⁴ Also addressed as an ongoing assessment, this method is based on supervisor's evaluation of student's overall progress which includes an ability to comment and analyze study material, participation in group discussions, and state of notes taken during the lecture.

²⁴⁵ The so-called seminar's oral activity assessment.

²⁴⁶ According to the rules, a student who skipped 30 academic hours without justified reason might be expelled from the university after following necessary procedures.

²⁴⁷ This is also a closed book examination. Students are not given access to codes or laws during such tests.

Depending on HEI, some modules are partly assessed during seminar discussions.

²⁴⁸ There is exception for the Civil Law Chair because its professors are closely engaged into the work of legal clinic where they constantly implement interactive methods of education and exams. Refer to the later part on clinical legal education.

during the lecture, but can only rely heavily on their memory. The written exam usually takes between one hour to 80 minutes, during which students must comprehensively write on the theory. Sometimes, when the format of the subject does not presuppose strict written exam rules or student wishes to obtain a higher grade, there is sometimes an option of drafting small research-work (*referat*) of 10-15 pages on the thematically relevant topic.²⁴⁹ Usually, after submission, professors and students hold mini-sessions where each student, within a limited amount of time presents own paper and answers to questions from professor or students.

After a student gets a minimum score and completes the subject, he can move on to the next grade (course). In this regard, in the next stage, chances of revisiting studied disciplines and evaluating the level of students' progress or knowledge are limited. Hence, the teacher-led learning process, which is still prevalent in Uzbekistan rather than student-centered naturally may result in students graduating without sufficient experience for self-relying.

IV.1.e. Graduation requirements/exam(s) for obtaining a degree.

In order to complete the program and obtain an LL.B in International Law degree, students need to study all subjects mandatorily for five years and undergo a multi-assessment mode: which includes oral, written examinations and, computer-based tests. As a part of the curriculum requirements, students also have to undertake the practice-based internships with legal departments of state or non-state organizations to gain practical experience. In their final year, students are required to pass final state exams on the history of Uzbekistan and English language and, write a graduation thesis of about 50 pages on their major topic and hold a public oral defense before the special commission.

The final exam on the history of Uzbekistan is a written, closed book session. This exam's questions are prepared by the relevant chairs on the individual slips of paper and include various historical topics starting from the ancient time up to the modern history. Teachers who are in charge of exam provide no questions to students beforehand, thus limiting their capability for preparation and making them to rely on their memory. When the student appears on the designated day and time for an examination, he draws the questions by a lot and after, may sit for two or three hours and write the answer. This matter is often a subject of critics by both students and some professors who assert that sitting on a long history exam after five years of studying law is not a logically correct requirement for law graduates. In addition to that, the process of screening and evaluating submitted history essays remains highly unclear. The English exam combines both written and oral assessment. After writing a short essay, which is not necessarily on a legal topic, each student goes through a short interview with a non-native, local English instructor who often has no skills in teaching English for lawyers.

The graduation thesis is an independently researched paper which aims to introduce undergraduates to the primary, elementary principles of legal research methods and to encourage them to develop more deeply into their chosen law specialty.²⁵⁰ Those students with a high command of English may submit their essays and hold a defense in English. Others must submit in Uzbek or Russian. Many students try to tie up their graduation thesis to their internship

²⁴⁹ There are also separate seven course works (written short thesis) in total in the curriculum that all students must write: the theory of state and law; constitutional law of Uzbekistan, constitutional law of foreign states, civil law, human rights law, international public law, international private law.

²⁵⁰ Regulation is worked out by TSUL and right now under consideration by UWED and Karakalpak University (Faculty of history and law), Interview with the Deputy-rector of the TSUL., Mr. Kamalov.

experience with a view of collecting more of a first-hand data and highlight the practical importance of research work. On the other side, unfamiliar with searching strategies, correct usage of a reliable scholarly data, legal writing and research methods, many students face tremendous difficulties in their research which eventually results in low-quality academic papers.²⁵¹ Another critical problem is a low level of antiplagiarism culture among many LL. B students.

For successful submission of a graduation thesis, a student is required to obtain two recommendation letters, internal (written by academic staff) and external (provided by an expert of the practitioner in the relevant field). A board of professors usually referred to as Graduation Commission sits on the oral defense and briefly question each student after he has presented his topic. Usually, each defense takes around 20-25 minutes and afterward commission issues results. It is rare that student fails a graduation thesis's oral defense, however, if such case takes place, a student is eligible to apply for the revision or re-examination with the commission itself or rector of the UWED. After the successful oral defense, graduates obtain a degree of LL. B in Jurisprudence (International law).²⁵²

IV.1.f. Career placement (legal/para-legal/non-legal)

When successful students complete the undergraduate program, they chose between two options, attend the graduate program and continue legal education or enter the employment.²⁵³ In the last case, it is more of a labor market product, rather than a long-term learning process.

LL.B graduates of the UWED are regarded as trained jurists and, thus, entitled to the employment in their specialization. However, such legal education *de facto* is not professional legal training, but rather comprehensive-general education focused on theoretical issues.²⁵⁴ Graduates who received education by state grants, need to seek and carry out employment within the public or private sector at least for three years to obtain their diplomas.²⁵⁵ Such a scheme raises many reasonable concerns regarding the government's eligibility to keep grantees' diplomas given the fact they have graduated the program and obtained a relevant degree. Contract-based students, who covered their tuition fees do not have such an obligation. Currently, the state does not distribute or assign UWED's LL.B graduates with employment as it was during the socialist era. As of now, graduates who hunt for a job independently.²⁵⁶

²⁵¹ Many students refer to other informal methods, for instance, copying or following the style of previously submitted graduation papers. Interviews with Mr. A, Mr S, Ms. B., UWED, March 2017.

²⁵² The way it is written in the diploma; *Yurisprudentsiya (Xalqaro huquq)*. (Eng) Jurisprudence (International Law)

²⁵³ Only students with master's degree in law have the right to teach law at universities.

²⁵⁴ LL.B. program in Uzbekistan, as in many other civil law jurisdictions of the former USSR is different from professional legal training and can be compared to the 'well-rounded education' because, as in case of the UWED, apart from legal disciplines, students spend a plenty amount of time for studying course on philosophy, politics, sociology, culture, math, economics, language and other general courses.

²⁵⁵ This regulation is enforced since 2005. As state-grand based students do not pay tuition fees, it is generally considered that they have spent public money on their education. Therefore, government issues graduation diplomas to this category only after they have worked for the public or private entity in Uzbekistan for three years. Before however, it was required to work for the public sector only. Such ambiguous contract raises concerns regarding the legal nature (refusing the fact that graduate complete the program and obtained a degree) and eligibility of the UWED to uphold the diploma unless the graduate fulfils his responsibilities and works for a certain amount of time in Uzbekistan.

²⁵⁶ Even though initial, *the 1992 Regulation*, presupposed annual distribution of graduates among various departments of the MOFA and MFT, such policy is rather formal because students do not receive any official job offer upon their graduation. Art 15, *Postanovlenie Kabineta Ministrov Respubliki Uzbekistan o Merakh po Organizatsii Deyatel'nosti Universiteta Mirovoy Ekonomiki i Diplomatii N 491*, 1992. Refer also; *Ukaz Prezidenta Respubliki Uzbekistan 474 o*

Most of the graduates wish to secure employment in the MOFA, MFT, MOJ and other ministries or public institutions. Because of the relatively insufficient number of vacancies, just a handful of graduates and only after long probationary term eventually get employment in named organizations officially. Some graduates, find a job as clerks or junior jurists in the constitutional and other courts, prosecutor's office, customs office, public or private companies (Uzbekistan Airlines, oil and gas industry-affiliated companies, auto industry company). Those with excellent foreign language skills and extensive volunteer experience find a job with relatively higher salaries in foreign or international organizations. Sometimes students find employment in organizations where they undergo qualification or diploma internships. Such organizations include insurance, consulting the companies or legal departments in business enterprises. In mentioned entities, the majority of graduates primarily aim at obtaining legal positions, however, given a shortage of vacant places, a particular minority often fulfills para-legal functions.

Some graduates aim to work as practicing lawyers and present their clients in courts. However, recently, access to the profession of a lawyer cannot be secured immediately upon graduation. Even though until 2008, anyone in Uzbekistan with a law degree could apply for a license and act as a lawyer²⁵⁷, things changed after the government comprehensively revised the Law on the Bar (including its provisions about requirements to legal profession access) in December 2008. Current provisions set up a mandatory bar association and require from candidates a law degree, two years of professional experience in any legal profession (that should also include a 6-month of apprenticeship with a law firm or other law office) and successfully pass the bar examination.²⁵⁸ Only upon successful passing of the bar exam, registering with the MOJ and obtaining a license, one can act as a lawyer and present their clients in the court.

There are also graduates who work in non-legal positions. Even though this category is minimal, it may be classified into two main groups. The first group is composed of people who occupy leading managerial posts in public or private sectors. Their job while being managerial may sometimes involve legal issues. The second group is composed of those who upon graduation or later decided to work in the field of private business. It is rare in Uzbekistan that law graduates occupy non-legal positions in public sector.

VI.2. Graduate level (LL.M)

Many LL.B in International Law degree holders who wish to continue to the graduate level usually prefer to apply to foreign universities in Europe or Asia. Some, however, may pursue their graduate studies at the UWED if they pass entry exams successfully. Presently, UWED's International Law department offers three master programs - LL.M in International Public Law, LL.M. in International Business Law²⁵⁹, and LL.M. in Diplomatic and Consular Law.²⁶⁰ Since 2018, UWED implements a one-year LL.M program for conventional, on-campus students,²⁶¹ and two-

Sozdaniy Universiteta Mirovoy Ekonomiki i Diplomatii. On the other hand, *Presidential decree N 3795*, 2018, presupposes a distribution system, whereas its realization and administrative background is not clear yet.

²⁵⁷ No apprenticeship with legal firm was required.

²⁵⁸ Art 3(1) *Law of Uzbekistan on the Bar* (December 1996, amended in December 2008, hereinafter the Bar) Uzbek or Russian language versions can be found online at <http://www.lex.uz/ru/docs/58372> [accessed on June 6, 2018]

²⁵⁹ A new direction introduced in 2018 and so far has no well-established curriculum. Refer further to <http://www.uwed.uz/en/pages/masters-degree> [accessed on September 10, 2018]

²⁶⁰ LL.M in the UWED has no features like online-interactive or double degree program.

²⁶¹ Because one-year master program is a new feature at the UWED there is no clear data on its implementation at the time of this research.

year LL.M for working professionals.²⁶² The annual Presidential regulation based on recommendations from the MOFA, MOE, and MOHSSE defines that a total quota for this LL.M programs must not exceed a half from LL.B admissions quota.

IV.2.a. Admissions and selection (requirements and entrance exam, admissions numbers and state-sponsored grant/contract-based study, classification by language/regions/sex)

Requirements and entrance exam

Every year the Rector of the UWED establishes the admissions board which is competent for the admissions process into LL.M. Applicants who wish to enroll into LL. M programs are required to submit a formal letter to the name of the rector, a diploma certifying graduation from bachelor's (LL.B) program, academic publications or equivalent research papers and a medical certificate on the prescribed form. Applicants also must provide passport and, if available, military documents. Application submission is carried annually between July 1 to July 30.²⁶³

Admission to the master's course is based on a highly competitive three-stage exam which is held annually between 3-15 of August.²⁶⁴ The shape and organization of entrance exam fall to the competence of the rector of the UWED and the MOHSSE. Based on the school or undergraduate language education, applicants may choose between taking the exam in Russian or Uzbek. Those who studied in Karakalpak language are eligible to take the exam in Karakalpak.

The initial exam is conducted in the form of test on international legal disciplines and evaluates the level of applicants' knowledge in their chosen LL.M programs (legal majors).²⁶⁵ If responses to all questions are correct, an applicant may obtain up to 100 points. As a part of the exam, candidates are also required to demonstrate high skills in a foreign language. An applicant can obtain up to 100 points for a test of a foreign language if he answers all questions correctly, however, if there is a valid TOEFL (IBT 85) or IELTS (6.5) or locally taken domestic foreign language test score, he receives these 50 points automatically, without necessary submission of language test.²⁶⁶ Finally, upon presenting official LL.B transcripts, examining authorities count the total rating score of the applicant's undergraduate academic progress. In Uzbek HEIs total rating score varies between 55-100.²⁶⁷ Thus, the applicant may collect up to 300 points in total in all mentioned components of the entrance examination.²⁶⁸

²⁶² *Postanovlenie Kabineta Ministrov N594 (Prilojenie)*, 49.

²⁶³ *O'zbekiston Respublikasining Vazirlar Mahkamasining Qarori, Oliy Ta'lim Muassasalarga O'qishga Qabul Qilish, N 393, 2017*. Appendix II, 3. Even though this regulation does not specify about the nature of the bachelor's degree, it is a well-established custom that only law program graduates are eligible to apply for LL.M programs of UWED.

²⁶⁴ Before 2018, it was a multi-stage exam and included additionally an interview where interviewer evaluated every applicant's interest in and passion for scientific research and pedagogics. Given the quality of answers, an interviewer could grant up to 50 points to a candidate. Applicants also took tests on IT (Computer Science) where the highest possible point was 50. Separately, there was a test exam on the discipline called 'Democratic society construction' - which gave a chance of obtaining up to 50 points.

²⁶⁵ International Business law, and Diplomatic-Consular law.

²⁶⁶ In case of submission of a certificate of foreign language (a minimum of B2 CEFR, GOETHE certificate, or DALF) *Postanovlenie Kabineta Ministrov N 610*.

²⁶⁷ *O'zbekiston Respublikasining Vazirlar Mahkamasining Qarori, Oliy Ta'lim Muassasalarga O'qishga Qabul Qilish, N 393, 2017*. Appendix II, 4, sec 14-16. Refer also to the Rating system in the Introduction.

²⁶⁸ Refer further to; *Postanovlenie Kabineta Ministrov N594 (Prilojenie)*.



Fig 4.10: Admissions process to the UWED LL.M, 2018 Admissions guidelines.

Admission numbers and state-sponsored grant/contract-based study

A very few successful candidates who achieve the highest score in the entrance tests can enroll on the state-sponsored grant basis (without tuition fee). Others, whose score is lower can enroll in case if they cover the tuition fee (contract-based study). Some LL.B graduates who have received honors from president-affiliated youth programs can also obtain state-grant seats without admission exams.²⁶⁹



In the academic year 2018-19, LL.M programs offered placements for 15 students out of which, three places, one in each of the three programs offered state-sponsored grants. Before 2018, the total quota did not increase by ten students. For example, based on official statistics, in the academic year 2016-17, only nine students in total could enroll in two existing LL.M programs.²⁷⁰

Fig 4.11: Government opened only 15 placements in the tree of the LL.M programs at the UWED in 2018 admissions round.²⁷¹

Notably, out of nine, only two seats in the LL.M in Diplomatic and Consular Law program offered state-grants.²⁷² Hence, due to the introduction of a new direction in 2018, namely, LL.M in International Business Law, the number of LL.M entrants has slightly increased to five students. It is, however, a small number, for example, comparatively to the Law and Business LL.M program of the TSUL, which in 2018 admissions offered a total admissions quota of 45 seats. In general, UWED's LL.M admissions quota is ten times smaller than TSUL's, apparently because the government cannot guarantee more extensive domestic employment opportunities for LL.M holders with the international-legal background. Upon admission, master students also receive a monthly stipend to cover a certain amount of living expenses, which may increase if the student demonstrates excellent academic progress

²⁶⁹ *O'zbekiston Respublikasining Vazirlar Mahkamasining Qarori, Oliy Ta'lim Muassasalarga O'qishga Qabul Qilish, N 393, 2017. Sec 3-7.*

²⁷⁰ Of these, five students were admitted to the LL.M in International Public Law and four into LL.M in Diplomatic and Consular Law.

²⁷¹ *Postanovlenie Prezidenta Respubliki Uzbekistan N 3795 o Merah Po Sovershenstvovaniyu Deyatel'nosti Universiteta Mirovoy Ekonomiki i Diplomatii.*

²⁷² One for Russian group and one for Uzbek

Classification by language/regions/gender

Each LL.M program offers placement in Russian language groups (*Evropotok*), and Uzbek (*Natspotok*).²⁷³ As shown above (table), the quota in 2016 was strictly limited, (for example, out

Acceptance indicators on specialties and language of study of master`s degree for 2016-2017 academic year

№	Code	Specialty	Amount	State budget			Contract		
				Amount	Language		Amount	Language	
					Uzbek	Russian		Uzbek	Russian
Total amount			37	4	3	1	33	20	13
On specialties:									
1.	5A120701	International Relations and foreign Policy	10	1	1		9	5	4
2.	5A231101	World Economy (by region)	6				6	4	2
3.	5A231102	External economic activity (investment activity)	12	1	1		11	7	4
4.	5A240105	International Law (international public law)	5				5	3	2
5.	5A240106	Diplomatic and Consular Law	4	2	1	1	2	1	1

of five students in the LL.M in International Public Law program, three candidates enrolled in Uzbek language course and two in Russian; and out of four students in LL.M in Diplomatic and Consular Law Program two students opted for Uzbek, and two for Russian language groups.

Table 4.2: The quota for 2016-2017 admissions round for the UWED’s LL.M Programs in Uzbek and Russian language groups with the number of applicants enrolled into state-grant (state budget) and contract-based study. Source (UWED, Admissions Committee)

Lectures are often conducted in one of the languages Russian or Uzbek, depending on the professor’s preferred way. One may observe that there is no strict separation into language groups as all students participate in the same lectures and seminars.

A recent 2017 Resolution of the Cabinet of Ministers also presupposes admission quotes for regions requiring specialists with a master’s degree. However, given the specifics of the master programs in the UWED, such quota does not impact on the UWED’s LL.M programs as long as presently, specialists with the international-legal background may rarely use their knowledge and skills in regions other than Tashkent city.²⁷⁴ Apart from domestic students, the 2017 Resolution

²⁷³ The State Commission elaborates the quota for International law department. Refer further to; *Postanovlenie Prezidenta Respubliki Uzbekistan 2955*;

This data is also available at <http://dtm.uz/oldfiles/?mod=average-passing-points-for-2016-2017> [accessed December 11, 2017].

²⁷⁴ *O‘zbekiston Respublikasining Vazirlar Mahkamasining Qarori, Oliy Ta’lim Muassasalarga O‘qishga Qabul Qilish, N 393, 2017. Sec 7.* Scholars of the state grants initiated by the President of the Republic of Uzbekistan and winners of state competitions whose specialty is relevant to the proposed master’s program can be enrolled without exam and based on the extra state-grants.

also stipulates admission of foreign citizens into master programs.²⁷⁵ There are no gender restrictions while admission into master programs at the UWED.

III.2.b. LL. M Curriculum (preparatory process, time division and academic disciplines, internship)

Preparatory process

De jure, it is the MOHSSE which implements academic standards for its LL.M Programs at the UWED under the codes; 5A240105 - International Public Law, 5A240106 - Diplomatic and Consular Law, and 5A240111 - International Business Law. These codes include formal qualification requirements for training specialists (LL.M) in the relevant fields. Codified databases formally regulate academic disciplines, curriculums, semesters, qualification internships, and assessment control.²⁷⁶ The rest of the curriculum features copy the same pattern as of UWED's LL. B Program. A new 2018 administrative regulation vests the UWED with the right to certain extent elaborate educational standards, however, this provision remains yet obscure as to it does not specify the limits of competency while collaborating with the MOHSSE.²⁷⁷

Time division and academic disciplines

In order to obtain a master's degree, students have to undergo the two-year course, composed of legal and non-legal (mainly pedagogy-related and state-ideological) disciplines, commence an internship in the last semester, take state exams, submit a master's dissertation and defend it publicly. Each academic year is divided into two semesters, making it four semesters in total. Every semester is composed of about 17 teaching weeks.²⁷⁸ Master students carry a burden of 36 hours of lectures, seminars and scientific-research work per week which is mandatory for all. The curriculum *de jure* speculates three elective subjects. *De facto* all students are asked to take them mandatorily.²⁷⁹

In general, the curriculums of LL.M programs look very similar regarding the disciplines taught, separation of hours for research and dissertation writing, and internship period. Much of the first year which starts in September and finishes in June is devoted to studying the so-called

²⁷⁵ Foreign students should provide the following documents to apply for a master's degree: Application addressed to the rector of the higher educational institution (indicating the citizenship and chosen specialty); Original passport (copy will be provided to the Admissions Committee); A copy of the document of the residence permit in Uzbekistan; Original diploma and its applications, as well as their notarized translation into Uzbek or Russian languages; 6 photos (color) 3,5 x 4,5; Medical certificate form U-086. The list of foreign students who submitted their documents to the master's degree is subject to expert examination in an appropriate order. Admission of foreign students is determined based on the results of the examination and the relevant decree of the State Commission. Foreign students are admitted only based on the contract and payment is made in the equivalent of foreign currency. Refer further to <http://uwed.uz/en/pages/masters-degree>

²⁷⁶ *The 2001 State Educational Standards Reegulation. Postanovlenie Kabineta Ministrov Respubliki Uzbekistan ob Utverjdenii Gosudarstvennyh Obrazovatel'nyh Standartov Vysshego Obrazovaniya. S izmeneniyami i dopolneniyami, N23, 2017.*

²⁷⁷ *Postanovlenie Prezidenta Respubliki Uzbekistan N 3795 o Merah Po Sovershenstvovaniyu Deyatel'nosti Universiteta Mirovoy Ekonomiki i Diplomatii. 7.*

²⁷⁸ Each week is composed of 20 academic hours of lectures and tutorials.

²⁷⁹ These elective disciplines include; Teaching methodic of specialized disciplines for both LL.M Programs. Separately, Consular service of the Republic of Uzbekistan and Diplomatic protocol and Etiquette is offered at LL.M in Diplomatic and Consular Law Program, while the LL.M in International Public Law Program offers on the elective basis; National security and strategic planning and, EU law.

common-methodological disciplines. These mandatory disciplines include national ideology, research methods, pedagogy, foreign-practical language (usually English), IT (computer science), oratory, and contemporary developments in state and law. Such disciplines as research methods and pedagogical training aim to provide the knowledge necessary for conducting graduate-level research and additionally, the skills required for teaching law.

Within the first three semesters, LL.M students must study 15 mandatory disciplines and commence their primary research, whereas the fourth semester includes mainly internship and drafting dissertation. The principal difference between LL.M programs is visible in particular academic disciplines taught separately during the first and second years. The rest of the, non-major, methodological disciplines are the same for all LL.M students.

5A240105 - International law	5A240106 - Diplomatic /Consular law
Topical issues of international law	Topical issues of international law
Law of Treaties	Law of Treaties
<i>International security law</i>	<i>Diplomatic law</i>
<i>Rules of international organizations</i>	<i>Consular law</i>
<i>International human rights law</i>	<i>Economic diplomacy and security</i>

Table 3.4: Profile academic disciplines taught in two LL.M programs. Italicized legal disciplines specify the principal difference between two LL.M curriculums. Source: UWED, LL.M Department.

Based on this table, one may notice that master students in both programs share the same number of academic hours for studying topical issues in international law and the law of treaties. There are only three profile disciplines which vary depending on the major of the LL.M program whereas the rest remain similar. Such a framework, theoretically, incorporates academic and practical components which reflects in LL.M programs' dualist nature.

As 2018 reforms suggest shortening the duration of the LL.M program for on-campus UWED students for just one year, given a visible trend of increasing a practical component in the legal education sector in Uzbekistan, one might easily predict that it is gravitating towards a practice-based course. The Uzbek government initiated this rapid shift of reforming master programs in the UWED in its peculiar expeditious manner, right before the new academic year 2018-19, hence, by placing a heavy burden on the UWED and MOHSSE to reshape academic curriculum according to aims of the practice-oriented graduate studies. With no relevant experience and understanding of short-term master courses' nature, Uzbekistan will likely refer to the similar model-programs existing in some European or Asian states as Korea or Japan.²⁸⁰ If so, one of the most ambiguous moment is how and to what extent the theoretical education pillar survives in the proposed one-year curriculum. Furthermore, it is unclear whether in the future one-year curriculum there will be adequate space for drafting a research thesis. Given the speed of the current reforms and the pressure from the above, it is evident that in the first several years the UWED will have to deal with staff in a very unprepared manner. Such conditions will eventually pave the way for failures and attempts to re-draft LL.M curriculums.

²⁸⁰ Indeed, there is no precedent that would demonstrate any of the HEI in Uzbekistan implemented such short-term master courses in law before.

Internship

Even though UWED considered its master programs as academic-oriented, the curriculum always stipulated mandatory internships for that master students. Students must undertake their legal internship in close cooperation with practitioners of certain legal institutions or departments within ministries which have direct knowledge on their research topic. Such an approach, similarly presupposes both, practical and academic training for young lawyers. Furthermore, internship placements in the LL.M programs play a dominant role regarding gathering thesis data and discussing a practical side of the research. Given their majors, students usually commence their internships in relevant departments within the MOFA, MOT, and MOJ.

VI.2.c. Teaching methods and assessment

Much of the teaching and assessment is identical to that of the LL.B course. Master programs implement the same way of top-down lecturing students of a black letter law and theories and evaluating their knowledge obtained during the lectures using seminars and mid-term oral and written exams. There is no visible prioritization of active learning or using Socratic methods. Even when some scholars try to teach law interactively by initiating group discussions or implementing brainstorm technics, they often omit the focus on theoretical and practical parts of law by merely engaging into an opinion-based exchange with students. In order to fill in the wide practical gap, the government stimulates increasing the amount of professional training from people working for public agencies and dealing directly with the application of law into practice. Hiring such part-time practitioners proves successful only in very sporadic cases when legal specialists have a rich doctrinal background which they can tie to certain practical cases and present it to young people in a non-complicated manner. In other words, it is just not enough to be a good scholar and practitioner; it is also vitally important to be a good educator who can smoothly transmit sophisticated knowledge to students. Unless the UWED places these three requirements as a precondition for teaching, neither active learning methods nor practice-based tutorials or higher wages will pose any visible improvement to the teaching process.

Another grave critical aspects in the UWED master programs is the absence of academic writing for lawyers, legal research methods and computer-assisted legal research. In particular, UWED does not implement a well-elaborated approach in its LL.M programs regarding covering every step of the research and writing process that would help to formulate the right questions, read critically and build solid research arguments. Many dissertations point to the lack of skills in elaborating well-established research arguments, present hypothetical claims, substantial factual evidence, as well as utilize editorial styles and peer-reviewed referencing material.

Furthermore, the curriculum evidence that LL.M students do not have an adequate class that would guide them a chance to learn more about IT-based bibliographical data search and peer-reviewed data. It is the reason why many students widely and non-deliberately refer to non-peer reviewed sources and often cite them while arguing their positions on legal issues. The curriculum also does not pause on the importance of the research ethics, logic for lawyers, and plagiarism issues, which often causes improperly cited or long, non-paraphrased texts in the master theses. The absence of relevant faculty staff teaching about editorial styles which would help to bring consistency to many students' writings is another severe problem.

Academic progress is a subject of a multi-assessment mode: which includes oral, written examinations and, computer-based tests. In general, LL.M students, similarly to LL.B students

participate in seminars, take exams and obtain relevant grades, which upon the end of the semester form a total score. There is no accreditation-based assessment, and if a student fails to obtain a required score for the subject, there is a risk of being dismissed from the program.

Starting from the end of the 1980s, legal science in Uzbekistan gradually disconnected from legal practice and legal pedagogy. In other words, while the legal science has been remaining predominantly of the Soviet-style, the legal practice moved towards the free-market relations and disconnected with the law taught at HEIs. In such circumstances, the authority of legal science rapidly dropped, given the fact that in the independence period, there was not even a single professor or group of domestic scholars who created and defended any outstanding legal doctrine. As it is visible in the case of LL.M programs at UWED, the gap between doctrinal settings, practical realities, and personal pedagogical skills has been deepening, and absence of at least one of these components in the study process affects teaching methods. It is extremely rare that a teacher can implement all mentioned three components, i.e., draw an accurate picture of modern legal theory's reflection in legal practice and deliver it to students in a meaningful, pedagogically professional way.

IV.2.d. Graduation requirements/exam(s) for obtaining a degree.

To obtain a master's degree, students need to attend all mandatory disciplines and obtain the required grades. As a part of curriculum requirements, students also must undertake a practice-based internship during their last semester with legal departments of public or non-public organizations to gain practical experience and gather necessary research data for own master's theses. As a final precondition, students must pass state exams (attestation) on profile disciplines and, write an LL.M thesis on the critical topic.

The Final State Attestation Commission confers a degree of LL.M upon successful public oral defense and comprehensive evaluation of study progress of each student. This commission is technically a UWED body, but the UWED's rector must form it only upon reaching a consensus with relevant ministries (MOFA, MFT, MOHSSE). According to the regulation, this commission must maintain a reasonable balance between scholars and practitioners from the International Law Department of the UWED and other relevant entities.²⁸¹

The attestation includes three main components. The first component is an exam on specific discipline which may include a specific subject studied during the course (usually non-legal or para-legal). Second is an exam on specialty discipline which, given the directions of LL.M programs, may vary between international public or international private law. The commission determines the format of exams (written or oral) and notifies students about all details in advance.²⁸²

The last step is a master's thesis examination and oral defense. The thesis is an independently written research paper which requires students to demonstrate their awareness of theoretical and practical aspects in their chosen fields. Therefore, graduation guidelines require that theoretical aspects of the master's thesis be applied or tested in practice. This moment, however, remains vogue and time-consuming as there are often no clear guidelines on how to implement thesis outcomes into practice. As in the case of the LL.M in the TSUL, there is a similar grave concerns and critique about such a requirement.²⁸³ Eventually, unrealistic requirements and

²⁸¹ *Oliy va U'rta Mahsus Ta'lim Vazirining Buyrug'i 1963*, 2009. I, 10-15,

²⁸² *Ibid.* I, 16-30,

²⁸³ Refer to the section on LL.M , graduation requirements in the TSUL.

inadequate research training result in poor quality because many students lack clarity and are unable to create a thesis with a concrete research question(s), solid arguments and rich academic discussion around the topic.

Those students with a high command of English may submit and defend their theses in English. However, there is neither extensive, peer-reviewed and updated English literature access nor professional English proofreader with a legal background. Therefore, the process of submitting a thesis in English is far from a preferred one. In general, students draft their graduation papers in Uzbek or Russian, depending on a language course. The absence of reliable and updated primary and secondary academic sources is often the reason why students cannot demonstrate in-depth knowledge and produce creative ideas in the relevant legal field. Therefore, many students try to tie up their graduation thesis to their internship experience with a view of collecting more of the first-hand data and highlight the practical importance of their research work.

Scholars and practitioners who form the commission and preside in the oral defense, limit their exam to brief questioning sessions. Usually, each defense takes around 20-25 minutes and afterward commission issues results. It is rare that a student fails the oral defense, however, if such case takes place, a student is eligible to apply the commission itself or rector of the UWED for the revision or re-examination. After the successful oral defense, graduates obtain a degree of LL.M.

IV.2.e. Career placement (legal/para-legal/non-legal)

Apart from legal professions that many LL.B graduates involve into, students with master's degree have the right to teach in HEIs in Uzbekistan. So, some graduates of the UWED's LL.M programs may be offered a faculty position for teaching law in one of the academic chairs of the university on a full or part-time basis. Others seek employment as law professionals in public or non-public sectors and, often, their possession of a master's degree in law is highly evaluated by the prospective employer. Furthermore, a master's degree may contribute regarding promotion for those working for the government and even result in extra payments to their salaries. Hence, many graduates seek employment in the MOFA as qualified specialists of diplomatic or consular affairs, or as legal professionals in the MFT, MOJ, courts and legal departments of other public institutions.²⁸⁴

IV.3. Law chairs, centers and faculty staff profile

Within each course, headed by a dean, the vital structural units are the chairs of law created for particular branches of legal and non-legal subjects. In the Soviet period, it was usually a professor who headed the chair. Presently, universities care less about the title of professor and pay more attention to a person's organizational skills and readiness to devote much time to the chair's academic and non-academic problems. Senior and junior teachers of a similar specialization group around the head of the chair.

²⁸⁴ Some may also work for international, inter-governmental and non-governmental organizations, the judiciary and law enforcement agencies, banking or financial institutions engaged into foreign trade or investment.

By 2018, there are three chairs at the UWED.²⁸⁵ Each chair has its office within the UWED where its members conduct relevant teaching and other affairs.²⁸⁶ The most recent chair - is International Law and Human Rights which is a product of the merger of two chairs initiated in 2007.²⁸⁷ This chair specializes in teaching international public law related disciplines as well as Muslim law and EU law in the LL.B and LL.M levels.²⁸⁸ There is only a handful of full-time international law instructors working in this chair who are familiar with the general principles of international law, but unaware of international legal practices. The work of this chair also often draws critiques from students because even those several existing specialists have no required competence in languages other than Uzbek. Weak lingual skills eventually result in an inability to present and discuss the international case-study law.

The chair of State Construction and Law was established in 1995 with a primary task to organize teaching the theory of state and law (successor of the former Soviet state-centrism).²⁸⁹ This chair organizes teaching of disciplines in various branches on domestic law, including some para-legal courses such as the history of state and law, and political-legal doctrines.²⁹⁰ Perhaps another bright remnant from the Soviet-style curriculum may account for the presence of criminal law, criminalistics, forensics, and prosecution in the list of the disciplines offered by this chair. Perhaps it demonstrates a throw-back to the era when the primary goal of legal education focused on training specialists working for prosecution or security police.²⁹¹ Perhaps out of the few positive images of this chair, the one which makes it different from the TSUL is its vibrant administrative law section which involves a couple of outstanding legal scholars with a rich practical and pedagogical experience.²⁹²

International Private and Civil Law chair is one of the leading chairs offering courses in legal principles of the world market and business law. Between 1995 - 2015 this chair was referred as Civil Law chair and focused on teaching domestic and, partly, international property relations. Currently, it offers several disciplines in private law.²⁹³ One of the positive features of this chair is its dominant role in the organization and maintaining the activities of the Legal Clinic of the UWED.

²⁸⁵ <http://uwed.uz/en/faculties/international-law> [accessed on June, 2018]

[International Law and Human Rights of UNESCO](#); [State Construction and Law chair](#); [International Private and Civil Law chair](#). [accessed on June 14, 2018]

²⁸⁶ Sometimes, students who major in the same law area work in the chair on a non-paid, volunteer base.

²⁸⁷ Department of International Law and Comparative Legislation, established in 1995 and the UNESCO Chair Human Rights, Peace, Democracy, Tolerance and International Understanding, in accordance with the agreement between UNESCO and UWED, signed on November 6, 1998 under the UNITWIN program inter-university cooperation of the UNESCO organization. Cited from; <http://www.uwed.uz/en/departments/international-law-and-human-rights-UNESCO> [accessed on June 14, 2018]

²⁸⁸ Even though the list of taught disciplines mentions about the comparative law, students report that such discipline was never offered in the course curriculum. Only administrative law lecturer implements a comparative law approaches in the *Evropotok*.

²⁸⁹ The previous name of the chair until 1995 was Market Relation's Legal Basis.

²⁹⁰ For example, constitutional law, administrative law, as well as the theory of state and law of foreign countries, and constitutional law of foreign countries.

²⁹¹ Alekseev, *Vvedenie v Yuridicheskuyu Special'nost'*; Doklad Vyshinskogo, *Osnovnie Zadachi Nauki Sovetskogo Sotsialisticheskogo Prava*.

²⁹² To date there is no adequate administrative law training in the TSUL. While there is only a handful of administrative law scholars in Uzbekistan, they are mainly based in the UWED. A current instructor who must teach administrative law in the TSUL is a specialist of constitutional law. September 2018.

²⁹³ <http://www.uwed.uz/en/departments/international-private-and-civil-law> [accessed on June 14, 2018]

The head of each the chair, in close cooperation with the dean, appoints a particular legal discipline's supervisor. This supervisor bears the responsibility for teaching, assessment and study materials.²⁹⁴ Supervisors usually rely on the MOHSEE recommended materials. There are some rare cases when some educators may ignore such practice and use different material in lectures and seminars.²⁹⁵ Depending on teachers rank and authority, the UWED may ignore such facts.

In 2014, International Law faculty established the Research Center of State Building and Public Law (Public Law Center) with the view to developing public law expertise among excellent students within the faculty. The UNDP has initially provided technical and some financial aid in the organization of this center. Until 2018, this center mainly engaged in legal education including offering a scientific mentorship and guidance to a limited number of students on general philosophical and specific legal issues. Such training aimed at developing analytical and critical thinking skills in selected talented students. A responsible staff of the center acted as a supervisor and met with students for a two-hour discussion session every week. Apart from using Russian, members held some topic discussions in English or even French.²⁹⁶ In 2018, the government renamed this center into Center for International-Legal Research and Comparative Public Law. A relevant presidential regulation widened the objectives of this center by assigning the functions of fundamental-applied research in the fields of international public and private law, systematic analysis of domestic legal policy, and application of research results into study process. In addition to that, the government allocated certain budgetary funds for the center and tied it directly to the MOFA.²⁹⁷

There is also a department (not chair) of English language which includes one head and several instructors, predominantly linguists without a legal background. As long as the UWED pays relatively better attention to its language training, such departments exist in all faculties and count from four to five English instructors. Usually, the English department divides students into several groups based on their level of English proficiency and designates a particular instructor.²⁹⁸

²⁹⁴ Supervisor's role in terms of providing materials however often superficial. Often students must rely on themselves and search literature independently. This is, however, very complicated task because of the library and resources problems as discussed above.

²⁹⁵ *Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniyu Sistemy Podgotovki Yuridicheskikh Kadrov*. June 28, 2013.

²⁹⁶ Interview with Mr. Igor' Tsai, Activities of the Public Law Center in the International Law faculty of the UWED. (Tashkent, September 2017), Tashkent.

²⁹⁷ *Postanovlenie Prezidenta Respubliki Uzbekistan N 3795 o Merah Po Sovershenstvovaniyu Deyatel'nosti Universiteta Mirovoy Ekonomiki i Diplomatii*. 8,9;

²⁹⁸ Students are split into A, B, C, groups, where A includes students with a high level of proficiency and C those students whose English skills are relatively weak.

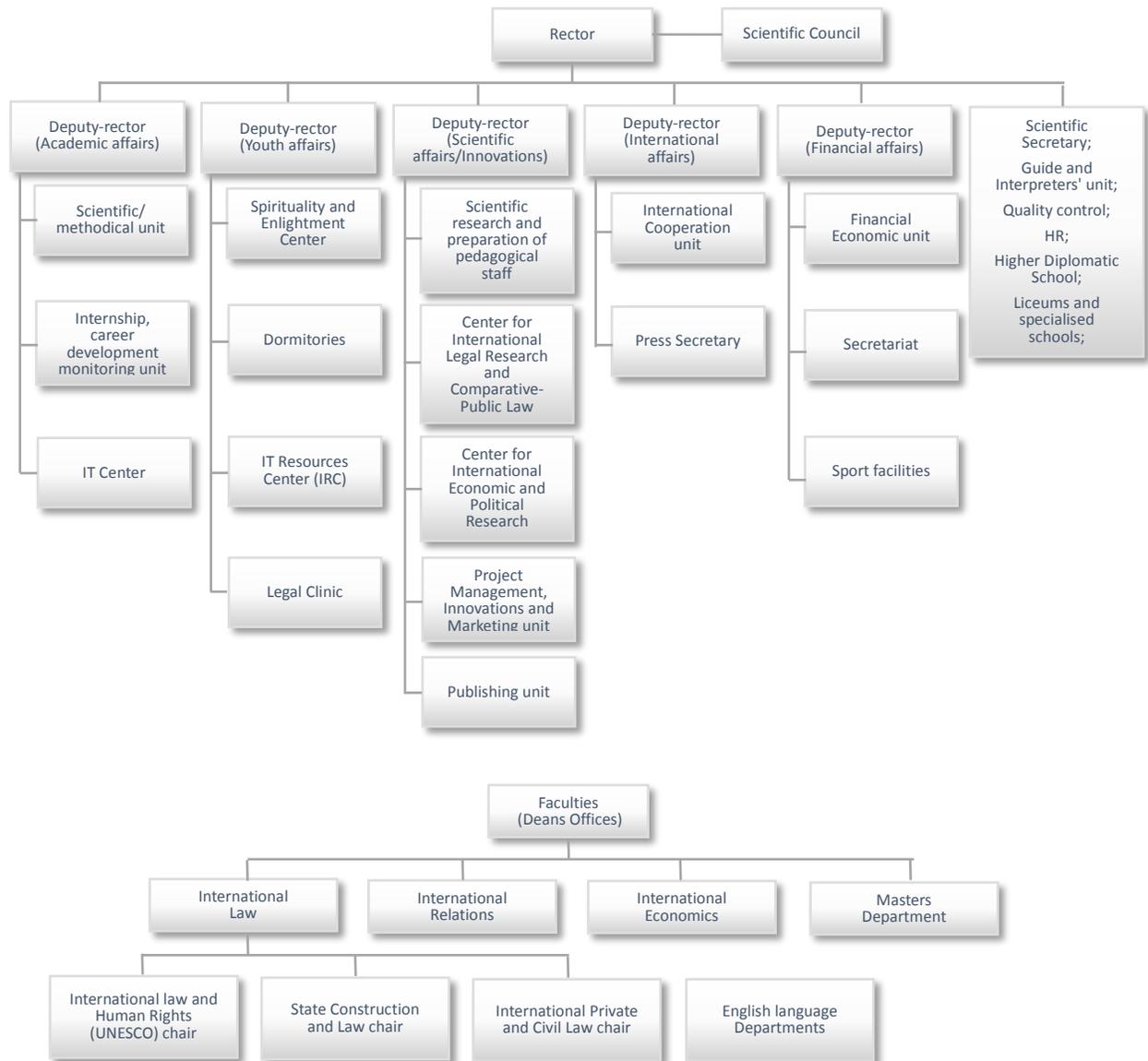


Figure 4.12: Post-2017 Organizational -administrative structure of the UWED.²⁹⁹

Faculty staff profile

The Soviet style of academic posts and rankings has left nearly unchanged in the UWED. While entering the legal academic profession as a junior, one takes a position of assistant lecturer and then grows to senior lecturer. Later, usually close to 40, one may become an associate professor and finally, after 10 or more years - a professor. The positions of associate professor and

²⁹⁹ *Postanovlenie Prezidenta Respubliki Uzbekistan 2932 O merakh Po Korennomu Sovershenstvovaniyu Sistemi i Povisheniyu Effektivnosti Podgotovki Kadrov v Tashkentskom Gosudarstvennom Yuridicheskom Universitete. April 28, 2017.*

the professor can only be obtained by experienced lecturers who wrote their doctoral dissertations and obtained relevant degrees.³⁰⁰

Presently there is only a couple of professors in the faculty of International Law, and they mostly remain as a conservative senior, honorary faculty members dedicated to the traditional forms of the top-down lecturing and minimum interaction with students. Even though it is presupposed to have at least one professor for each chair, by 2017, only one full-time professor was working in the chair of Government Construction and Law, while others remained on a part-time basis. Usually, part-time professors or associate professors occupy another high-ranking position outside the UWED and rarely lecture in the faculty by asking junior members to replace them.

In general, a heavy burden of teaching usually lays on the shoulders of full or part-time associate professors and lecturers most of whom studied law domestically and thus, similarly adhering to the traditional format of teaching black letter law. Most of the lecturers are graduates of the UWED or the TSUL. Some senior members studied in the former law faculty of the TSU (*TashGU*). As mentioned above, the UWED increasingly attracts practitioners from aside to teach on a part-time basis in order to make the study process less static. However, practitioners' courses rarely prove to be dynamic and interactive, mainly because such practitioners lack essential experience in teaching and do not have enough time for preparing to the lectures or at least search a study material for their students.

A minimal number of faculty members who studied abroad try to introduce methods of interactive study in the faculty. While they are committed to incorporate their experience gained abroad into the academic process, they virtually come into conflict with seniors who oppose the Western teaching methods. Nearly all faculty members with foreign degrees simultaneously teach in different universities or take second jobs (usually in well-paid foreign NGOs). Such negative tendency eventually results in brain-drain from law faculties.

IV.4. Quality control

In 2017, the Cabinet of Ministers prescribed every HEI to establish departments which would undertake as their primary task to control education quality. Such department in the UWED appeared in the same year and now includes three positions tasked with monitoring and advisory functions. The primary objective of this department is to assess the quality of academic process at the UWED, including in the International Law faculty. While department mentions in its regulation about the development of a specific mechanism to improve the education, the real picture with the whole academic process remain almost untouched, what, in turn, raises questions about the competency of such department and the transparency of its work.³⁰¹

³⁰⁰ In Uzbekistan it is usually; Candidate of Legal Science (C.L.C) which has been recently abolished and gradually being replaced with Ph.D, and Doctor of Legal Science (Dc.S). Refer to the chapter of Doctoral level legal education.

³⁰¹ The main purpose of the department is to develop and implement a mechanism to improve the quality of education, coordinate and conduct work on improving the university's national and international rankings, improve the quality of education at the university and its structures. <http://www.uwed.uz/en/divisions/view/quality-control-of-education> [accessed on June 14, 2018]

IV.5. Library and resources

In the Soviet period, the predecessor of the UWED maintained a relatively good central library.³⁰² During the independence period, however, an underfunding has caused a deterioration of central and interdisciplinary libraries and other study resources. The central library of the UWED continues to exist nowadays but has made few recent acquisitions and remains stocked with the Soviet-era or other outdated social science and law books. For example, in the mid-2000 the central library had only around five adequate Russian published books on international law, while the course which relied heavily on this book counted around 50 LL.B students.³⁰³ Until recently students had to rely on an outdated request procedure, but after 2010, the library purchased an automatic search engine which only partly ameliorated the process of requesting books. As going into the book storage and browsing the shelves is not permitted, all students must know what exactly they need.



Image 4.3: International private law books, similarly to international public law, include several outdated studies authored in Russian language.

Most faculty staff do not rely on central library resources. Similarly, many students stop relying on it after they realize they cannot find helpful research data. Some departments or chairs rarely establish own, very modest legal discipline-oriented libraries composed of only several small shelves in the faculty office or the chairs. These small libraries often include books on common law in English contributed by foreign donors. Given the contents (students rarely understand the common law features because there is no adequate training on the comparative law) and complex legal text in English, students, and professors barely use such libraries. Sometimes, lecturers keep relatively valuable donated books in their offices for years, thus restricting students' and other faculty members access to study resources.

A recent visit to the library has demonstrated that UWED obtained new books on various legal disciplines published domestically and authored in Uzbek and sometimes in Russian. These newly produced publications were initiated to fill an existing gap of limited resources in the local



Image 4.2: International public law books often include outdated Russian based studies published several decades ago. For example, as it is seen in the image, out of six, to certain extent adequate books on international law, there is only one authored in Uzbek.



Image 4.4: UWED Central Library. Bookshelves are often stocked with irrelevant, fiction books.

³⁰² Formerly, Institute of Politics and Management (*UzSSR*)

³⁰³ Many reading and written assignments were based on Igor' Lukashuk, *Mejdunarodnoe Pravo*, vol. 3 (Walters Cluwer, 2005).

language. However, given the contents and the bibliographical data at the end of these books, one may notice that authors were relying exceptionally on legal statutes and a limited number of similar domestic or Russian studies.

Another critical aspect which is partly affected by the underfunding issue is limited access to legal research databases. Even though university runs the so-called resource center, its database is limited to the scanned materials of some outdated Russian-based studies and, sometimes, old English articles. Several years ago, NATO sponsored a depositary library in the UWED, but its research data as well as equipment remain inaccessible for majority of students. Indeed, no professor or faculty member in the UWED would provide IT-assisted legal research. Critical aspects naturally touch upon legal literature in foreign languages, primarily in English. Given the high market prices of new legal publications, and restricted budget of the central library, recent studies remain largely unavailable. Furthermore, the International Law department has no access to any of the English based legal research databases; like JSTOR, HeinOnline or EBSCO.



Image 4.5: Premises of the NATO Depository Library in the UWED. 2018.

IV.6. International cooperation



Image 4.6: Korean Cultural Center in the UWED.

Among all domestic HEIs, the UWED has probably the highest number of agreements for research cooperation and faculty staff/student exchanges with academic institutions and research entities across the globe, particularly in Europe and Asia. In general, international cooperation is separated into three pillars. The first pillar includes academic cooperation with foreign HEIs. To date, it has agreements and memoranda with around 30 foreign universities. For example, in 2016, 30 students from UWED were enrolled into foreign partner universities mainly in Japan, UK, and other EU countries within the frames of academic exchange. The UWED has recently established partner ties with the National University of La Plata (Argentina) and Kookmin University (South Korea). Another new memorandum was signed in 2017 with the University of Leicester (UK). In particular, the newly signed memorandum presupposes the creation of Leicester Higher School of International Research under the UWED with an objective to carry joint research on thematically close directions. In 2018, the UWED also initiated more extensive cooperation with the Russian Federation, namely *MGIMO*.³⁰⁴

Given the general picture of academic agreements and their actual practice, one may notice that within the last ten years, the UWED is gravitating towards more active cooperation with Asian partners, especially Japan and South Korea. Such tendency might be a consequence of a foreign policy aimed at maintaining stronger ties with Asian nations, particularly Japan, South Korea, and

³⁰⁴ (*Moskovskiy Gosudarstvennyy Institut Mejdunarodnykh Otnosheniy*) - Moscow State Institute for Foreign Relations

China from one side, and distancing tendency between 2005-16 from Western nations on the other hand. It should be noted, however, that many graduates also apply to foreign universities in many other parts of the world, like US, Canada, Italy, France, and Germany to which the UWED has fewer or no academic cooperation agreements.

Next pillar covers cooperation with embassies, foreign diplomatic missions, and international organizations operating in Uzbekistan. Such cooperation mainly includes intercultural and partly, academic affairs. As the UWED is a profile university to train and produce foreign affairs specialists, many prestigious foreign visitors, including heads of states, outstanding diplomats and politicians are often invited to speak in front of students and professors. High guests even sometimes engage in debates or participate in conferences or roundtables on international issues organized by this university.

The last pillar is related to the cooperation with foreign research organizations which often act as donors in international scientific or academic projects. Initially, there were strong ties with some US affiliated NGOs as; the Freedom House, USAID, ABA CEELI, as well as the Soros Foundation. However, given the harsh anti-governmental rhetoric in the mid-2000, the UWED has shifted its cooperation trajectory towards mainly German (DAAD, Erasmus) and Japanese (JDS, JICA) organizations. Later it joined KOICA, Jean Monnet, CASS, SASS, MASHAV, ITEC, GIZ, and other development-related projects. In the recent ten years, the UNDP has also contributed to numerous educational projects, including in the UWED. All these projects focus around the organization of training and short-term courses for the teachers in their subject areas, developing materials, and organizing master classes.

Sub-Conclusion to the Chapter

The general nature of the 2018 reforms in the UWED, at the first sight, seem to cover long-term issues which the government widely ignored in the last two decades. By referring to the general text of the new regulations, it is evident that policymakers confess the existence of critical aspects in the field of educating future diplomats and international lawyers. Hence the reform positively signals that a new government realizes about shortcomings in the education process and intends to improve it radically. Simultaneously, policymakers try to deal with the study process in an astonishingly speedy and unprepared manner, leaving no adequate space for the UWED to promote own interests and accommodate newly proposed reforms. One may notice that the government has granted the UWED a relative independence, for example in terms of its budgetary policy, on the other hand, there is still vast influence from the MOHSSE and other public agencies on the study process which eventually poses limitations on academic freedom.

The quota regulation at the International Law Department of the UWED recently demonstrates somewhat unstable and unpredictable dynamics. While from 50 placements in 1994 in raised to more than 90 in 2016, the official quota dropped down to 45 again in 2018, thus returning to a result dated almost to 15 years ago. Apparently, the government controls admissions numbers within official quota in hope to secure employment for graduates with international legal background in public agencies, or merely speaking, implement a system of compulsory public employment analogical to one which existed in the Soviet era. The government also considers the fact that if there are too many international lawyers, some part of them will not be able to find a relevant employment in Uzbekistan and simply, remain unemployed or leave to another country. On the other hand, the education policymakers in fact, disregard the actual condition of Uzbek legal education's gravitation towards monopolized sector since 2013. Therefore, in the

circumstances when there is only a couple of state-owned HEIs which grant a law diploma, placing a very modest quota or limiting an existing one only intensifies such monopolization process.

The UWED doubled its tuition fee right before the 2018 academic year, reasoning it by the importance to have a substantial budget for addressing the needs of students and their study process.³⁰⁵ Such step, first of all, raises a justified concern regarding to its fairness towards students who usually expect that the amount of tuition fee will be annually raising to several percent only, but not double or triple at once. Furthermore, there is another justified question, namely, whether the UWED can successfully allocate these financial assets so as to attract new or educate further existing law instructors who would be able to deliver creative classes in a multilingual way and with all essential components of legal education (Solid doctrinal background, practice which can be accustomed into theory, and high pedagogical skills to transfer sophisticated topics in an adequate way). If current academic isolation which prevents scholars to bring in a fresh insight into their lectures and seminars, continues further, the reform will merely turn into further commercialization of legal education, to which many talented applicants from middle-class families have already lost their equal access.

Current research traces several links between law curriculum of the UWED and the Soviet law curriculum focused on the state-centrism. This is not to criticize the Soviet legal education. Indeed, the Soviet approach towards educating young lawyers between 1960-80s demonstrated success in terms of tying up doctrinal and practical legal settings and maintaining a high authority of legal science. What is claimed in the present section, is rather absence of modern approaches towards legal education in Uzbekistan which would include new doctrines and theories evolving hand to hand with legal practice. In other words, there is an increasing gap between the old, Soviet-style legal science which presently occupies academic law curriculum and free-market oriented legal practice, which has no common ground with the first. It eventually affects the quality and professionalism of international lawyers in Uzbekistan.

³⁰⁵ <http://www.uwed.uz/uz/news/fulltext/661> [accessed on September 13, 2018]

V. Clinical Legal Education in Uzbekistan and its Characteristics

Introduction to the Chapter

The fundamental objectives of clinic include to educate in law students the idea of a public service obligation and to provide free and impartial legal counseling to the socially vulnerable, marginalized individuals and communities. While pilot projects in 2000 drew a strong interest in developing CLE in Uzbekistan, it revealed that many law lecturers had yet to develop from the start their knowledge to effectively engage in clinical methods and interactive training. Given such needs, international clinical experts from donor-institutions made several short-term visits to Uzbekistan to strengthen local CLE program. Their workshops, roundtables and trainings organized provided Uzbek CLE pioneers with a deeper understanding of international clinical and pedagogical practices.

Before 2000, awareness of CLE in Uzbekistan existed only among very small number of lecturers with a foreign legal educational background. Except particular aspects which are more advanced in certain counties and less in others, the present CLE's development in Uzbekistan is in general very similar to trends occurring in some countries of the South-East Asia.³⁰⁶ There are two main aspects which raise specific concerns regarding the future of clinical education in Uzbekistan.

When international experts proposed to promote CLE in Uzbekistan in 2000, they suggested the idea of including CLE as a compulsory discipline in the law curriculums of local HEIs offering legal training. Given a highly centralized scheme of HE in Uzbekistan, such proposals however, could not find agreement within the MOJ and the MOHSSE and thus, were not accepted into the curriculum of neither the UWED's International Law faculty nor the TSUL. Therefore, as of 2018, domestic HEIs implement CLE as a separate program outside of law curriculum, and based merely on students' voluntary intention to participate.

Unlike common law countries, in a civil law country such as Uzbekistan, a professional legal education starts at the undergraduate level, and hence CLE is incorporated as an extracurricular, voluntary course in the LL.B program. Notably, only students of third and fourth grades of the LL.B programs are eligible to apply for volunteering in the legal clinics because one of the main preconditions of local CLE is a knowledge of a basic legal theory, mainly civil law system. Application process is simple and usually includes a short interview between an instructor and applicant which seeks to specify a candidate's wish to engage into clinic's work and a proposed level of dedication. There are some incidents when younger students, for example, graduates of second year wish to participate in legal clinic's work, however such participation is often troublesome given the junior course students' limited knowledge of law and its application. Indeed, current experience demonstrates that even students from upper courses often have weak or no knowledge in such vital fields as housing law, family law, logics, insurance law and many other disciplines.

Existing Uzbek laws do not permit students in legal clinics the same rights as legal representatives when handling cases. Therefore, students basically prepare the client for independent representation in the court. In other words, in the pre-trial process, students prepare possible scenario of dispute's resolution and clarify to their client norms and their possible application. Sometimes, students even prepare a speech for their client and provide preparation regarding possible questions which might come from judge or trial participants.

³⁰⁶ Refer further to, Shuvro Prosun Sarker, *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged* (Springer, 2016); Sarker, *Legal Education in Asia*, 28–29.

The main philosophy of the CLE is to provide access to justice for the poor, and simultaneously, offer access to lawyering skills training, and professional values with ethical standards for law students. Hence, while providing public services, namely offering free legal aid to vulnerable people, students obtain and use further in their legal studies an understanding of how the law may unfairly affect or help disadvantaged people. Therefore, each CLE program includes common components of being educational, student-centered, and social-justice related university programs.

Before students-clinicians start working with individuals and their particular problems, relevant instructor conducts initial theory workshops that provide a deeper understanding of methodology and purpose of the CLE. Depending on the university, all students-clinicians must generally carry a burden of approximately 80 hours training program - 'Lawyer's professional skills', and obtain basic practical knowledge for working with future clients. This program includes training on such vital components as communication psychology, lawyer's professional ethics, interviewing skills, detection of the problem in the dispute and drafting legal consultations. It is a general trend that the CLE in Uzbekistan in the initial stage of training, detects numerous problematic issues in students' abilities, including shortcomings in general theoretical curriculum knowledge which, in turn, necessitates such workshops. On the other hand, these workshops exclude top-down lecture format, but instead utilize active learning methods, such as; brainstorming, focus-oriented discussion, work in small groups, visual demonstrations, simulated cases, debates, and seminars with guest lawyers and practitioners.³⁰⁷

Further, in the advanced level, students learn to draft legal documents used before and during the trial process. Furthermore, supervisors constantly organize sample interviews to train in students questioning skills based on lawyer's ethics. A simulated moot court trial at the end of the training is a form of graduation exam which detects talented students who receive formal enrollment to clinic and a chance to work with real clients.

Basically, students participate in clinic's work several times a week after finishing their classes (official law curriculum), usually starting in the evening. When a client wishes to seek legal support in law clinic, he, first of all, must sign a pledge certifying an awareness that legal consultation will be provided by students, but not qualified lawyers. Such pledge simultaneously requires a client's consent not to present claims if unsatisfied with the outcome of the dispute. Afterwards, two or three students interview a client. Existing practice demonstrates that interviewing in small groups proves reliable because it limits a risk of missing some questions and factual circumstances. In other words, while one student might simply forget asking about specific facts, others can fill in the gap instead. A supervisor never participates in the interview, but often observes the process of students' independent work from aside. After finishing interview, students organize a discussion session which includes a comprehensive analysis of case details, several scenarios of legal applicability and dispute's resolution. The last stage includes consultations with the supervisor and, based on the outcome, reflection of most possible scenarios of dispute's resolution in written form. This form, or written legal consultation must contain both, the details of the dispute and its possible resolution based on accurate references to existing laws and regulations. When such written consultation is ready, students hand it over to the client, and if necessary, provide further oral clarifications. It is always a client who makes a final decision and chooses between various scenarios of dispute resolution. If a client finally decides to follow students'

³⁰⁷ I. A Cherkashina, "Interaktivnie Metody Obucheniya", in *Amerikanskaya Assotsatsiya Yuristov, Tsentr Pravovykh Issledovaniy UMED, Yuridicheskaya Klinika Po Ekologicheskomy Pravu, Ekologicheskaya Bezopasnost' i Zashita Prav Cheloveka. Metodicheskoe Posobie*. (Tashkent: UMED, 2001), 4.

consultation and apply the case to the court, students bear the responsibility for the preparation of all necessary documents; petitions with legal claims, formal requests, acts and other documents to be presented not only to court but other relevant public and non-public agencies. After completing their work with a client, students collect all documents and submit it to the clinic's archive to which all other clinicians have an access. Such approach stimulates many students to address previous cases and develops their skills in case study law.

V.1. Case Studies of Uzbek CLE Programs

The CLE development process and efforts from both domestic scholars and practitioners have proven to be effective in multiple ways. Certain successful cases can be demonstrated through evaluation of two CLE programs run in the UWED and the TSUL.

V.1.a. UWED Law Clinic

The first legal clinic (initially called as Environmental Law Clinic) in Uzbekistan was founded in 2000 in the UWED. This clinic was founded based on a proposal initiated by the International Private and Civil Law chair lecturers and direct guidance and sponsorship from the American Bar Association, Central and East European Law Initiative (ABA CEELI). The primary goals of the Environmental Law Clinic included activities in terms of improving the theoretical and practical skills of the future environmental lawyers as well as promoting public advocacy in Uzbekistan.³⁰⁸

While in 2000, the legal ecological aspects drew a significant attention in the West, in Uzbekistan such problems often fell into a grey zone of domestic law and, hence, a clinic with a very narrow specialization could not attract adequate number of clients. When in the mid-2000, many U.S. - affiliated agencies and non-for-profits, including ABA CEELI could not obtain official accreditation in Uzbekistan, the Environmental Law Clinic fell under the sponsorship auspices of the UNDP and broadened its advocacy activities beyond just ecological legal-disputes. Since then, its name is Legal Clinic under the UWED.

Since the mid-2000, the clinic run mainly by UWED'S International Law faculty lecturers, extended its services to working more with socially vulnerable and marginalized individuals and communities. Simultaneously, law clinic provides students with a more structured training on free legal counselling, ethical obligations, and learning law by working with real cases and people in order to increase practical skills. Lecturers who work in the Clinic as supervisors, also actively utilize the case study law obtained from the clinical experience, in their lectures in the faculty. Hence, clinical cases perform a role of the source for study material for all International Law faculty students and lecturer does not have to create the case independently. As long as such cases mainly touch upon various fields of law, including family law, labor law, and housing law, both lecturers and students in the faculty benefit reasonably by referring to cases which contain regular legal updates.³⁰⁹

³⁰⁸ Alice R. Thomas, "Introduction to UWED Environmental Law Clinic Methodological Guidebook Ecological Safety and Protection of Human Rights" in, *Amerikanskaya Assotsatsiya Yuristov, Tsentr Pravovyykh Issledovaniy UMED, Yuridicheskaya Klinika Po Ekologicheskomy Pravu, Ekologicheskaya Bezopasnost' i Zashita Prav Cheloveka. Metodicheskoe Posobie.* (Tashkent: UMED, 2001), 4.

³⁰⁹ "Deutsch-Uzbekischer Juristendialog. Gedanken, Die Man Gerne Teilt.," *Juraklinik an Der Universitat Fur Weltwirtschaft Und Diplomatie*, 2013., <http://juristendialog.de/wp/?p=185>. [accessed on October 5, 2018]

Currently, the UWED Clinic operates in two modes; as student-centered voluntary program, and free legal services initiative. Student-centered mode basically deals with teaching students about general aspects of the CLE, methodologies, plan development and its further demonstration, professional legal ethics and client confidentiality, communicating and interviewing client, and counselling. Free services include factual interviewing with clients, legal research and analysis, proposing various scenarios of dispute resolution based on a logical application of law, advising to clients.

In 2018, an interview in the UWED has revealed that 17 students of the International law faculty enrolled the Legal Clinic most of whom were female students with a Russian as a native language. All students had two years of basic legal education provided under the UWED's law curriculum and they had different purposes and motivations for taking part in the Clinic – for example, to gain professional skills in law, to experiment with an aspect of the legal profession. Many students also stated that by participating in the Clinic's work they hoped to improve communication skills, critical thinking, and expected, thus, certain self-development.³¹⁰

The same interview also referred to the experience of Clinic's alumni participating in the new students' enrollment procedure. Alumni interviewees expressed basically a positive attitude towards the knowledge and experience obtained in the Clinic. For most, working in the Clinic proved successful to their expectations, not only in terms of improving practical skills and knowledge of legal provisions and theories, but also their understanding how law may affect people in various life situations. These alumni also pointed that CLE provided them with a clear insight of difference between traditional top-down lectures in the faculty, where professor referred only to written law without pausing on how certain provisions work in practice, and real legal practice offered in the Clinic. As a symbolic reward for students and lecturers who volunteer in the clinic's activities, the UNDP annually organizes and sponsors a short-term summer school program in one of the local resort areas.

The UWED'S Legal Clinic became a pioneer in challenging a traditional legal learning, which has been provided in the form of long lectures without students' active involvement to analyze the law *per se* but assuring their ability to memorize written law. Several progressive lecturers try to challenge the legal educational system which is based on listening, reading statutes and remembering provisions by providing opportunities for students to practice law while dealing with real people and their disputes. However, the Clinic's operation is currently limited by the clinic supervisor and lecturers' research specialization and professional interests which is often associated with civil law area, and hence, offered impartial legal assistance cannot cover multiple legal problems of community.



Image 5.1: Newly enrolled students-clinicians prepare their reports during the brainstorm session. (UWED, 2018)

³¹⁰ Interview with the Legal Clinic Applicants (Tashkent, UWED, February 25, 2018), Tashkent, UWED.

V.1.b. TSUL Law Clinic

In 2017, legal clinic was re-introduced in the renewed TSUL.³¹¹ Since its re-introduction, this clinic focuses mainly on free legal aid and provides legal assistance to people, in which TSUL students engage actively into interview and survey processes. The clinic focuses both on community in Tashkent and some rural areas around the capital city. Faculty staff of the TSUL and lawyers who work at the center set up objectives, training plans and, often, in cooperation with the MOJ and Bar association, chose target communities. Students who volunteer in the clinic's work are exposed to the real legal problems and assistance on common law and specific legal issues in communities.



The collaboration between the TSUL, MOJ, and Bar Association have fostered the so-called field community consulting program. In this program, students and relevant supervisors go out into the rural areas and offer free legal consultations and support to local community members. Community consultations is hard for students because they have never experienced interviewing or questioning local people. However, after communicating and counseling small groups of people on a regular basis, students improve their skills in legal-normative search and preparation of well-argued consultations. Such activities also improve students' skills in research and data collection.³¹²

Image 5.2: TSUL Legal Clinic students organize a free legal consultations and other legal aid for local community in Chirchik. (TSUL, 2018)³¹³

Apart from being a resource of access to justice for underprivileged communities. CLE in the TSUL contributes reasonably in terms of educational value. Although the clinic employs a small number of supervising professionals, it could provide access to legal consultation services to more than 160 claims since September 2017 and this number is regularly increasing. Such consultations and cases form a solid background for students theoretical and practical knowledge which they actively utilize in course discussions and future profession.

The TSUL Clinic also arranges practice-based internships for own students. An interview from several TSUL students in 2018, has revealed that those who undertook their internship in the clinic reflected more positive opinion as compared to students who commenced their internship in other agencies. They asserted in particular that clinic helped them “to better understand the relationship between the society and law, as well as introduced vital professional skills required for each legal professional.”³¹⁴

³¹¹ *Postanovlenie Prezidenta Respubliki Uzbekistan 2932 O merakh Po Korennomu Sovershenstvovaniyu Sistemi i Povisheniyu Effektivnosti Podgotovki Kadrov v Tashkentском Gosudarstvennom Yuridicheskom Universitete. April 28, 2017.*

³¹² MOJ of Uzbekistan, <http://www.minjust.uz/ru/press-center/news/89576/> [Accessed on October 5, 2018]

³¹³ <http://www.tsul.uz/ru/informatsiya/news/yuridicheskaya-klinika-na-sluzhbe-naroda-2-0j-den> [Accessed on October 5, 2018]

³¹⁴ Mr.D, Ms. N, Mr.S, Mr.M., TSUL LL.B students (two of the students are in Evropotok and other two in Natspotok).

Sub-conclusion to the Chapter

The CLE in contemporary Uzbekistan is still in an advanced beginning stage. It might be too reckless to assert that the CLE in Uzbekistan has a very promising tendency. Making the proposal that there is no future might also be also erroneous. Several factors support the potential of the CLE's progressive movement in Uzbekistan. One of the most crucial factors is students' active engagement into the CLE process in two public universities in Uzbekistan offering degrees in law. After more than ten years of CLE advocacy in Uzbekistan. The capability of this program for local legal education is widely recognized by lecturers and donor agencies. On the other hand, a centralized curriculum development process with public agencies at its top do not fully recognize the CLE as a required method of learning law which should be integrated within official law curriculum. It is reasonable to state that this initiative will definitely enrich the present state of traditional, lecture-based higher legal education in Uzbekistan.

Uzbekistan needs more and more professionally trained lawyers with adequate ethical skills. Whether implemented in the future as a separate program or curriculum integrated course, CLE will definitely contribute in terms of providing its graduates with fresh legal experience and knowledge, practical skills and professional values. In addition, if the CLE operates in an environment focused on a less restrictive representation of underprivileged communities in the court, it would assist local law teaching HEIs in nurturing future professionals with a stronger awareness of justice and social responsibility.

VI. Doctorate Level Legal Education (Ph.D. and D.Sc.) Introduction to the Chapter

VI.1. A brief overview of doctoral legal education evolution (the Soviet period, the 1991-2017, the post-2017 period)

The Soviet period

In the Soviet time, Uzbekistan, similarly to other former Soviet Central Asian republics followed the centralized system of the Soviet legal education. In general, as the first step in higher education, students studied law for five years at the university faculty or institute and obtained a Diploma of Specialist (Legal Professional).³¹⁵ It was a commonly accepted academic qualification which nowadays is split into LL.B. and LL.M. degrees.

The post-graduate studies included a two-step degree program; the Candidate of Legal Sciences (*Kandidat Yuridicheskikh Nauk*) and the Doctor of Legal Sciences (*Doktor Yuridicheskikh Nauk*). It is hard to compare these degrees with the Western system or that of some states in Asia (for example: Japan or Korea).

Entry and research in the post-graduate level were highly competitive, and only a small minority of applicants from Uzbekistan could enroll and commence their post-graduate studies in the Academy of Sciences of the Uzbek SSR, Academy of Sciences of the USSR or other research institutions across the Soviet Union. The post-graduate legal research involved both, full-time and part-time featured programs.³¹⁶ Examination included one foreign language, exam on specialization, and the history of the Communist Party. In case of admission, each student worked under the supervision of the academic advisor, who individually elaborated a research progress plan for the whole study period. Such plan was a subject of approval by the scientific council of the respective institution. Graduation requirements included exam on historical and dialectical materialism, one foreign language, major legal discipline, and Marxist-Leninist philosophy exam. Final step included the submission and defense of a dissertation.³¹⁷

The committee allowed a candidate to submit the dissertations in case if it was a “finished piece of research containing a new resolution of a consequential scientific problem, which [had] material significance for the respective branch of knowledge and display[ed] the author’s capacity to undertake independent scientific research and a profound theoretical knowledge of his discipline...”³¹⁸ Upon submission of the research thesis and successful oral defense, the academy was entitled to confer the Candidate of Science degree (*Kandidat Nauk*).

The next stage included a more advanced degree - the Doctor of Science D.Sc. (*Doktor Nauk*). The study of D.Sc. had no fixed length and could sometimes take up to 10 years. This degree was the highest in the hierarchy of the Soviet legal educational doctrine.³¹⁹ Review of

³¹⁵ Stacey Steele and Kathryn Taylor, *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2009), 144.

³¹⁶ Candidates of 35 years old or less could apply for a full-time, whereas those aged 45 or less - for a part-time research program. As a prerequisite, both categories of applicants had to demonstrate the degree of legal professional and experience in carrying out scientific research.

³¹⁷ Butler, *Soviet Law*, 69.

³¹⁸ Butler, *Soviet Law*.

³¹⁹ By 1950, a series of reforms unified the legal education in the former USSR and decreased the number of HEIs and their students to a required minimum. Most senior law professors in Uzbekistan who obtained their degrees in the USSR, commonly studied at law institutes or university faculties in Moscow, Leningrad, Irkutsk, Saratov, Kazan’,

doctoral legal education of Soviet period demonstrates several essential characteristics. It first had to respond to the state requirements dictated by the Communist Party and other central organs of the USSR. Furthermore, every legal dissertation was heavily influenced by the Marxist theory of political economy and theory of the development of social classes.³²⁰ Doctoral dissertation was a subject of compliance with a set of requirements. In particular, it had to be “an independent work based on the author’s research in which scientific propositions [were] formulated and justified and as an aggregate [could] qualify as a new long-term orientation in the respected field or as a theoretical generalization and resolution of a large scientific problem ...”³²¹

Degree and Award Diploma	Program Length	Credits	Admissions Requirements	Quality Assurance and Accreditation
Legal Professional (Spetsialist)	Four-five years	Study time is quantified in hours	Diploma of Specialist (in law)	State Attestation
Candidate degree (Kandidat Nauk) Aspirantura	Three years	Not Applicable	Master’s diploma (LL.M)	State of Accreditation (Enables to issue state recognized qualifications)
Doctoral degree (Doktor Nauk)	Not fixed Min five years	Not Applicable	Candidate degree (Kandidat Nauk)	State Accreditation

Tab 6.1: The Soviet system of higher legal education.

The 1992-2017

After the collapse of the USSR and establishment of first law faculties and law institute in Uzbekistan, the higher education reformists introduced two new Western degrees - Bachelor (LL.B.) and Master (LL.M), instead of the Soviet-modeled Specialist in Law. Bachelor level usually takes 4-5 years, while master program - 2 years.³²² Upon introducing these novelties, the system became more time-consuming for those aiming at studying at the doctorate level. Except for LL.B and LL.M, up to 2017, the degrees awarded under the post-graduate legal education system (Candidate of Science, and Doctor of Science) remained virtually unchanged. The ‘reformers’ of the independence period only intended to switch the philosophy of doctoral education from the state-centered into the one based more on the ideas of the rule of law, a superiority of human rights and due process principle. The practical aspects, however, mostly reproduced the Soviet-style approach. Comparatively to other former Soviet states which significantly reformed their higher education systems (including, doctoral) to align closely to the Bologna standards, Uzbekistan during the initial 15 years (1991- 2017) still maintained the Soviet system. Some sources assert that in this period, between 1991 - 2008, more than 50 D.Sc. and about 206 Candidates of Science could successfully submit and defend their dissertations.³²³

and Tashkent. Refer further to A. Kodintsev, “Legal Education in the USSR in the Postwar Period,” *Legal Education and Science* no. No.2 (2008): 35–39.

³²⁰ Shebanov, *Legal Educational Institutes*; “Essays on History of Legal Scientific Entities in the USSR” (Moscow: Science, 1976), Moscow.

³²¹ Butler, *Soviet Law*, 69.

³²² Until the reform of the UWED in July 2018, the International Law faculty implemented a five-year LL. B program. It may also take only one year in the LL.M Program now if a student opts for a full-time option.

³²³ V.A. Artikova, *Metodika Prepodavaniya Yuridicheskikh Disciplin* (Tashkent: TGYI, 2008), 12.

Degree and Award Diploma	Program Length	Credits	Admissions Requirements	Quality Assurance and Accreditation
LL.B. (Bakalavriat)	Four-five years	Study time is quantified in hours	Diploma of completion of primary, secondary school education (College, Lyceum)	State Attestation (With a focus on the quality of education)
LL.M (Magistratura)	Two years	Study time is quantified in hours	Bachelor's diploma (LL.B)	State Attestation (s/a)
Candidate degree (Kandidat Nauk) Aspirantura	Two years	Not Applicable	Master's diploma (LL.M)	State of Accreditation (Enables to issue state recognized qualifications)
Doctoral degree (Doktor Nauk)	Not fixed Min five years	Not Applicable	Candidate degree (Kandidat Nauk)	State Accreditation (s/a)

Tab 6.2: The 1992 - 2017 system of higher legal education in Uzbekistan. (Based on WENR, Bologna-Inspired Educational Reform in Central Asia).³²⁴

The post-2017 period

In July 2017, authorities agreed to partly follow international standards and introduce the degree of the Doctor of Philosophy (Ph.D.) as a ‘basic’ doctorate level, and D.Sc. as a doctorate level.³²⁵ It came up as a significant development because the number of young Uzbek scholars with foreign Ph.D. (and authentic) degrees has been continuously increasing. If before 2017, the government preferred to ignore doctoral degrees obtained from foreign universities and left many Ph.D. holders with unclear status, the present framework legally recognizes such degrees and even shows some signs of prioritizing foreign education.

On the other hand, although doctorate education in Uzbekistan has been visibly gravitating towards Bologna system, the essential structure left widely unchanged. In particular, the new statutory regulations did not abolish the level of Candidate of Science (*Kandidat Nauk*) indeed, but merely replaced it by the Ph.D. (Doctor of Philosophy).³²⁶ Furthermore, the degree of D.Sc. is left unchanged with the status of the highest degree in science. Candidate can only commence it upon obtaining of the Ph.D. in law.³²⁷ Hence, while one of the remnants of the old system Candidate of Science is *de jure* phased out, in practice, it is replaced by the Ph.D. which is just a prelude to the D.Sc. degree - another remnant of the Soviet legal education which remains within the current system as the highest level of legal education. Such settings are principally different from systems implemented in the neighboring Central Asian states where the degree of D.Sc. is phased out or can be commenced after obtaining LL.M. in law.³²⁸

³²⁴ Refer further to <https://wenr.wes.org/2015/05/bologna-inspired-education-reform-central-asia> [accessed on June 30, 2018]

³²⁵ 1. *Ukaz Prezidenta Respubliki Uzbekistan N 4958*, 2017.

³²⁶ Including as Independent Researcher (*Samostoyatel'noe Soiskatel'stvo*). *Postanovlenie Kabineta Ministrov O Merakh po Dal'neyshemu Sovershenstvovaniyu Sistemy Poslevuzovskogo Obrazovaniya N 304*, 2017.

³²⁷ Annex I, Ibid

³²⁸ Azerbaijan (phased out), Kazakhstan, Kyrgyzstan (Diploma of LL.M), refer further to Nick Clark, *Bologna-Inspired Educational Reform in Central Asia, Asia Pacific*, May 4, 2015

Degree and Award Diploma	Program Length	Credits	Admissions Requirements	Quality Assurance and Accreditation
LL.B (Bakalavriat)	Four-five years	Study time is quantified in hours	Diploma of completion of primary, secondary school education (College, Lyceum)	State Attestation (With a focus on the quality of education)
LL.M (Magistratura)	Two years	Study time is quantified in hours	Bachelor's diploma (LL.B.)	State Attestation
PH.D. (Doctor of Philosophy)	Not more than three years	Study time is quantified in hours	Master's diploma (LL.M)	State Attestation
D.SC. (Doctor of Science)	Not more than three years	Study time is quantified in hours	Doctoral diploma (PH.D.)	State Attestation

Tab 6.3: The post-2017 system of higher education in Uzbekistan.

VI.2. The Role of the Supreme Attestation Commission (VAK)

The Supreme Attestation Commission (*Vysshaya Attestatsionnaya Komissiya or VAK*) is another Soviet feature widely left unchanged in the independence period. It was re-established in 1992 as an organ competent for preparation of scientific and pedagogical staff.³²⁹ This organ functions under the Cabinet of Ministers and its chairman's position is equal to the ministerial post, while the main scientific secretary is a vice minister.³³⁰ The VAK has been traditionally maintaining the dominant competency concerning the doctoral research and conferral of postgraduate degrees in Uzbekistan.³³¹ For many years it has been playing a central role in the attestation (monitoring and conferral of degrees of Ph.D. and D.Sc.) of doctoral candidates and bearing the responsibility for the quality of doctoral research.

The VAC creates and controls the Scientific Councils in the TSUL and the UWED. The Scientific Council, in turn, controls the doctoral candidate's progress and has the right to accept the dissertation once it is ready for public defense. However, the Scientific Council's decision to confer a doctoral degree to a candidate is only enacted upon reaching an agreement within the VAC. Hence, the VAK is a monopoly organization which bears an absolute authority and performs multiple tasks in the field of doctoral research in Uzbekistan.³³²

Conferral of doctoral degrees in Uzbekistan adheres to a very centralized system with the VAK occupying the top position in the hierarchy. Apart from it, there are other public agencies - MOHSSE, MOPE, MOJ, Academy of Sciences, Committee on Coordination of Development of Science and Technology, which take rather a secondary part in the doctoral level education policy. Such bureaucratically centralized system was inherited from the Soviet past and, apparently, in conflict with the most recent international trends which gravitate towards decentralization of higher education system and granting a broader competency regarding doctorate research to the HEIs themselves.

³²⁹ *Ukaz Prezidenta Republiki Uzbekistan N 371, 1992.*

³³⁰ 3, *Postanovlenie Kabineta Ministrov N 421, 1992.*

³³¹ Annex 4, *Postanovlenie Kabineta Ministrov N 365, 2012.* (amended in 2017)

³³² *Ibid*, II, 7, In particular, it concentrates a wide range of functions, such as, systematic monitoring of doctorate studies, creating scientific councils and specifying its regulatory framework, creating official list of periodicals in which doctoral candidates must publish their papers, undertaking state expertise of postgraduate dissertations and confirming the decisions of the Scientific Councils. Furthermore, it bears competence in nostrification (equivalence exam) of foreign degrees, issuing doctoral diplomas and reviewing appeals from candidates.

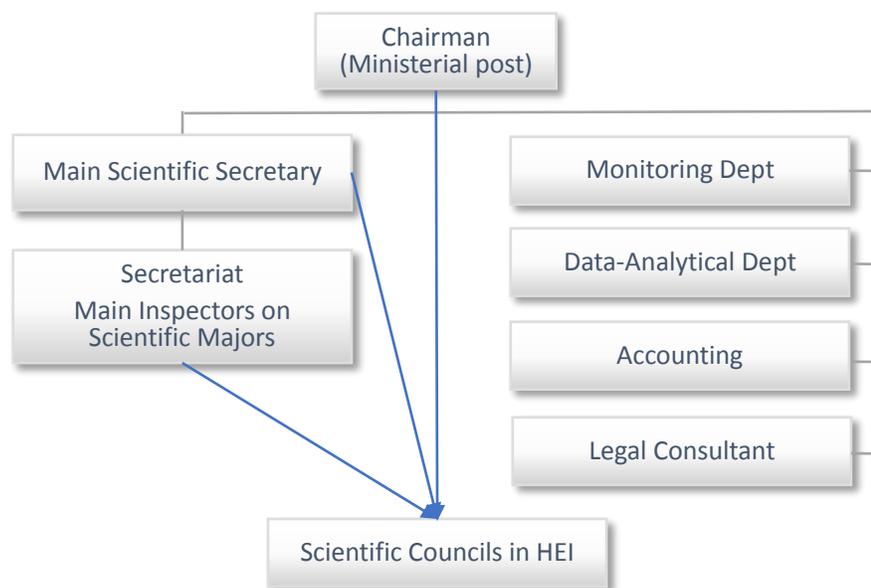


Fig 6.1: The structure of the Supreme Attestation Commission (VAK). The total number of staff is 20 people, out of which 16 - are managing and - 4 assisting staff. Scientific Councils are created and subordinated to the VAK.

VI.3. Admissions (requirements and entrance exam, quota, state-sponsored grant/contract-based study/stipend)

Requirements and entrance exam

Currently, both the TSUL and the UWED offer basic doctorate and doctorate level courses on the same admissions and research conditions. A candidate applying to the Ph.D. level can do so as an ordinary doctorate student (*doktorant*) or an independent researcher (*soiskatel'*). An applicant is required to have completed an LL.M program and demonstrate adequate research experience (minimum one scientific article in the peer-reviewed periodical and at least two abstracts in the scientific collection papers). It is essential that previous research experience is related to the proposed Ph.D. program and research expertise could form the basis of the proposed Ph.D. dissertation. Independent researchers must have at least two years of pedagogical experience.³³³

A candidate applying to the D.Sc. level is required to have completed the Ph.D. or equivalent program and demonstrate significant research achievements (at least three scientific articles in the peer-reviewed periodicals and, two theses published in the scientific collection papers or presented in the conferences) and the scientific report on the proposed dissertation. It is essential that previous research experience is related to the proposed Ph.D. and forms the basis of the proposed D.Sc dissertation. Those applying as independent researchers must have at least two years of pedagogical experience.³³⁴

³³³ As a part of application documents, a candidate is also required to submit a relevant application form, a copy of the workbook, copy of relevant diploma, list of published research papers, if a candidate is a holder of State Scholarship of the President of Uzbekistan, he is required to submit the relevant certificate. III. 9 *Postanovlenie Kabineta Ministrov O Merakh po Dal'neyshemu Sovershenstvovaniyu Sistemy Poslevuzovskogo Obrazovaniya N 304.*

³³⁴ Subject to the same requirements as shown above. Ibid, 10-12.

Admissions to the Ph.D. and D.Sc. is based on the competitive exam held annually between November 1-25. Those wishing to enroll into Ph.D. level are required to undergo the two-level exam: legal major and foreign language. In case if a candidate has a valid TOEFL (PBT) not less than 567 (iBT) not less than 87, or IELTS score at least 5,5, or locally taken domestic foreign language test, there is no necessity in taking a foreign language exam.³³⁵ Admission commission in each HEI creates legal major exam questions based on the specifics of that major.³³⁶ Majors vary in the TSUL and the UWED. The D.Sc. level does not stipulate admissions exam. Instead, candidates must undergo an interview.³³⁷ The shape and organization of entrance exams and interviews fall to the competence of the Admissions Commissions which are formed and sometimes headed by the rector.³³⁸

Quota

Both the TSUL and the UWED, analyze annual requirement in doctoral candidates and, based on their research capacities, forward their inquiries on admission numbers to the Ministry for Innovative Development. This ministry, in cooperation with the Ministry of Economy and the Ministry of Finance annually allocates admission quotes for doctoral level study in each HEI. Quotas are usually limited and, therefore, admission becomes highly competitive.³³⁹

State-sponsored grant/contract-based study/stipend

The state covers the tuition fee of those candidates who enroll the Ph.D. and D.Sc. on a full-time basis. Furthermore, the state pays doctoral candidates monthly stipends. The Ph.D. candidate receives a monthly amount of research associate, whereas D.Sc. candidate's stipend is equal to the salary of the senior lecturer with a Ph.D. degree. International students do not receive any stipend and furthermore, have to cover their tuition fee.³⁴⁰

Degrees	
Doctor of Philosophy (Ph. D.) Basic doctorate level	Doctor of Science (D.Sc.) Doctorate level
Admission requirements	
LL.M Degree	Ph.D. or equal degree
Minimum one scientific article in the peer-reviewed periodical	Minimum three scientific articles in the peer-reviewed periodicals
Minimum two abstracts in the scientific collection papers	Minimum two theses published in the scientific collection papers or presented in the conferences)
(Independent Researcher) - Two years of pedagogical experience	A scientific report on the proposed dissertation; Educational expertise
Admissions exam	
Legal Major	Interview

³³⁵ Test of CEFR - B2 level about possessing English given by the State Testing Center.

³³⁶ III. 22, *Postanovlenie Kabineta Ministrov O Merakh po Dal'neyshemu Sovershenstvovaniyu Sistemy Poslevuzovskogo Obrazovaniya N 304.*

³³⁷ Ibid.

³³⁸ Upon negotiation with VAK

³³⁹ 24, Ibid.

³⁴⁰ 8, 31 Ibid.

Foreign Language (IELTS or TOEFL)	
Duration	
Not more than three years	Not more than three years
Stipend	
Equal to research associate salary	Equal to senior lecturer salary
Supervision	
Academic supervisor (Ph.D. or D.Sc.)	Academic advisor (D.Sc. only) or none

Tab 6.4: Post-graduate admissions related features.

VI.4. Research, dissertation and final qualification requirements

To obtain a doctoral degree, candidates in cooperation with their relevant supervisors or advisors must, within the first month upon their admission, prepare an individual plan on the preparation and defense of the dissertation. Separately, academic supervisor or consultant is required to develop for the doctoral candidate a theoretical-methodological plan which includes elements of the universal concept, methodology, theory and scientific methods. A candidate is supposed to work on these aspects during the first year of doctoral studies. According to the rule, the academic supervisor or advisor spends around 100 academic hours for research with a doctoral candidate.

Doctoral education system stipulates a framework of constant research process monitoring. Given the complexity of each doctoral program type, this framework presupposes rather general requirements to be met within a particular timeframe, usually three years.

Degrees	
Doctor of Philosophy (Ph. D.) Basic doctorate level	Doctor of Science (D.Sc.) Doctorate level
First Year	
Prepared individual plan	Prepared individual plan
Theoretical-methodological program	Ready first and second draft dissertation chapters
One publication (dissertation related)	At least three publications (dissertation related)
One conference report	Published international and domestic conference reports
Analytical review of dissertation topic	Oral report in the scientific conference or seminar
Seminar report on analytical review results (in cooperation with supervisor)	Analytical study of dissertation topic
	Seminar report on analytical review results (in cooperation with supervisor)
Second Year	
One publication (dissertation related)	Ready third and fourth draft dissertation chapters
One published conference report	At least four publications (dissertation related). (Including one in a foreign periodical)
One publication in a foreign periodical (dissertation related)	One published international and domestic conference report
Seminar report on preliminary dissertation outcomes (independently)	Seminar report on initial dissertation outcomes (independently)
Individual plan report	Oral report in the scientific conference or seminar
	Individual plan report

Third Year	
Publications (including in foreign periodicals)	At least three publications (dissertation related)
Ready doctoral dissertation draft	Published monography on dissertation outcomes
Public discussion of the dissertation in the scientific department of the HEI	Ready doctoral dissertation draft
	Public discussion of the dissertation in the scientific department of the HEI

Tab 6.5: Required research progress of Ph.D. and D.Sc. candidates according to the monitoring framework.

Hence, to graduate, doctoral students need to spend not less three years commencing their research, drafting doctoral dissertation, preparing publications and conference reports. A graduate student must undertake such obligations in close cooperation with relevant supervisors and advisors. Before oral defense, Ph.D. candidates are required to pass qualification exams on; legal major and foreign language. The D.Sc. level does not stipulate such exams but requires candidates to publish a monography which contains doctoral research outcomes. Candidates in both types of programs may submit their dissertations in Uzbek, Russian, Karakalpak, English or any other language agreed with the VAC.³⁴¹ Graduation and dissertation requirements for both types of doctoral research as well as the main difference between them is more visible in the table below.

Graduation requirements	
Doctor of Philosophy (Ph. D.) Basic doctorate level	Doctor of Science (D.Sc.) Doctorate level
Qualification exam on legal major Exam on foreign language	Published monography on dissertation results
At least three publications (including one in a foreign periodical)	At least ten publications (including one in a foreign periodical)
Presenting the dissertation topic at domestic and international scientific conferences	Presenting the dissertation topic at local and international scientific conferences
Dissertation requirements (In Uzbek, Russian, Karakalpak, English or another language)	
Must have a new, scientifically substantiated solution to the actual problem and must contribute to the relevant field of knowledge	Must address and resolve scientific or practical issues; Or must elaborate a complex of theoretical aspects aimed at perspective scientific achievement; Or must develop theoretical-methodological rules or well-substantiated solutions which significantly contribute to the state of a particular sphere

Tab 6.6: Graduation and dissertation requirements.

Upon submission and successful oral defense, candidates receive their degrees and relevant diplomas issued and conferred by the VAC. The law establishes stringent rules and deadlines for both doctoral candidates and their respective supervisors for the preparation and submission of the dissertation for the final check and oral defense. Furthermore, according to the guidelines, scientific and scientific-pedagogical (teaching) staff who are Ph.D. and D.Sc. degree holders are subject to the following qualification requirements:

³⁴¹ 4-5, *Ibid.*

Final qualification requirements	
Doctor of Philosophy (Ph. D.) Basic doctorate level	Doctor of Science (D.Sc.) Doctorate level
Familiarity with a common scientific or concrete disciplinary research methodology; Ability to detect and substantiate the problem; Do focus-oriented research; Ability to analyze and systematize the research data;	Must have deep, fundamental knowledge in the area;
Ability to concretely formulate the problem and conclusions by relying on the research results	Ability to conduct fundamental research on a high level and resolve significant scientific and practical issues
Present results for their further practical implementation	Implement results into practice

Tab 6.7: Final qualifications requirements

VI.5. Doctoral majors at the TSUL

Presently, the TSUL offers Ph.D. and D.Sc. doctoral courses in the following directions:

Permanent SC	One-off advice SC (<i>Razoviy Nauchniy Sovet</i>)
12.00.03 ³⁴² Civil law. Business law. Family law. International private law.	12.00.05 Labor law. Social security law
12.00.04 Civil procedure law. Economic procedural law. Arbitration process and mediation.	12.00.06 Natural resources law. Agrarian law. Environmental law.
12.00.08 Criminal law. Prevention of offenses. Criminology. Criminal executive law.	12.00.07 Judicial power. Prosecutor's supervision. Law enforcement. Advocacy.
12.00.09 Criminal trial. Forensic science. Operative-search activity and judicial examination (legal science)	

Tab 6.8: Directions of doctoral programs at the TSUL

The Scientific Council at the TSUL is composed of 19 legal scholars and professionals from the MOJ, Supreme Court, Chamber of Commerce, Prosecutor's office, and several HEIs including the TSUL itself.³⁴³ Given four different majors of the doctoral research which can thematically be split into two groups, (A) Criminal law (12.00.08, 12.00.09), and (B) Civil law (12.00.03, 12.00.04), the TSUL has established two relevant Scientific Seminars. The A Group is competent for the criminal law directions and includes law scholars and practitioners from the TSUL and other public organizations (mainly Criminal Court and Prosecutor's Office). The B Group bears the responsibility for civil law directions and is formed predominantly from scholars.

³⁴² State standard code

³⁴³ Although the amount of 20 people is approved, available data lists only 19 names. Refer further to <http://www.tsul.uz/en/science/dissertation-council-a-scientific-seminar> [accessed on June 28, 2018]

By 2017, four doctoral candidates in total, three D.Sc. and one Ph.D. defended their dissertations at the TSUL. Out of these four, two D.Sc. candidates submitted their dissertations on the topics related to the civil law³⁴⁴ and two others (D.Sc. and Ph.D.) on criminal law.³⁴⁵

VI.6. Doctoral major at the UWED

Currently, the UWED offers four doctoral majors out of which only one law related - 12.00.10 International law. The Scientific Council is composed of 21 law professors predominantly from HEIs (including three law professors from the International law department and politics and economy professors from other departments of the UWED).³⁴⁶

In 2017, two Ph.D. candidates defended their doctoral dissertation on non-legal, primarily political majors. In 2018, two doctoral candidates (Ph.D. and D.Sc.) have presented to the Scientific seminar their dissertations on the 12.00.10 international law major.³⁴⁷ Candidates usually draft their dissertations in Russian or Uzbek; however, all of them prepare a paper with a brief overview in English. Sometimes when a candidate is competent enough in English, he may be allowed to write the dissertation in English. The principal problem here is the level of English of relevant academic advisors, which is traditionally low in Uzbekistan. In fact, as many legal scholars studied in the USSR and were mainly exposed to the Russian language environment, it is rare that academic advisors supervise in languages other than Uzbek or Russian.

Sub-Conclusion to the Chapter

The current post-graduate education in Uzbekistan implements peculiar hybrid characteristics of modern (Ph.D.) and Soviet originated (D.Sc.) degrees. In the recent several years the government has been demonstrating certain positive steps to reform the post-graduate education, particularly making it more systematized and flexible for international standards. One of the biggest concerns and persistent critics of the current legal doctoral education in Uzbekistan is concentrated around the State Attestation Commission (*VAK*) an outdated and heavily bureaucratized organ which turns the whole process of doctoral research and its subsequent defense very centralized. The critics of the *VAK* within the scope of the present research draws a separate attention on the negative impact of the centralized system guided by *VAK* on the principle of academic freedom and unreasonable sophistication of the research process. In the course of the present pioneer reforms of making legal research institutions more autonomous, one can presuppose that *VAC* may soon disappear from the structure of the post-doctoral research. This assertion may sound more solid in light of the fact that typical institutions ceased to exist long ago in many other post-Soviet republics.

³⁴⁴ Dissertations titled: 12.00.03 'Regulation of Civil Relations on the Internet', and 12.00.03 'Improving the Legal Regulation on Innovation.'

³⁴⁵ Dissertations titled: 12.00.08 'Improving the Efficiency of the Prevention Function of the Penitentiary System', and (Ph.D.) 12.00.08 'Responsibility for the Theft with the Use of Computer Facilities'.

³⁴⁶ Academy of Science, Tashkent State Institute of Oriental Studies, MOJ Lawyer's Training center, MOFA, Branch of Russian University named after G.V. Plekhanov in Tashkent, Parliament, State Security Service Institute and the UWED. There are only six specialists in the 12.00.10 International law field. Refer further to <http://www.uwed.uz/en/pages/academic-council> [accessed on June 28, 2018]

³⁴⁷ Dissertations titled: 12.00.10 'Theoretical-Practical Aspects of the International Information Law Formation' (D.Sc.), and 'Reservations in the Modern International Contract law: Theory and Practice in the Republic of Uzbekistan.'

Conclusion

In a broader historical dimension, the legal education's evolution in Uzbekistan demonstrates two main transitions; from theological to socialist, and from socialist to the modern legal education which is *de jure* non-socialist, but in fact, bears clear socialist characteristics. The first two decades of the post-Soviet period in Uzbekistan have demonstrated that law teaching institutions were left behind the transition process and remained widely untouched and, thus, increasingly unable to conceptualize a new form of legal training and produce a new generation of legal professionals. Simultaneously, the increase in the popularity of studying law in Uzbekistan in the context of its unclear nature since its independence - is a large post-communist phenomenon.

As it is obvious from the chapters of this book, the legal education system in the present-day Uzbekistan is undergoing through a difficult period of obscure reforms. Regardless the intentions of the policymakers, existing small number of the law teaching HEIs have been maintaining ex-socialist curriculums and strong state-centrist components. On the other hand, a critical necessity to reform existing factual condition of legal education has subsequently resulted in certain attempts to create programs and specializations, as well as what local educators unclearly address as 'innovative' teaching technologies. Maintaining such old and new compounds simultaneously poses an unresolved challenge, especially between the theoretical and practical elements of legal education in Uzbekistan. What can be observed recently is an apparent gravitation of legal education from mainly theoretical settings towards professional legal practice with a wider involvement of non-academic practitioners. Too much legal practice and decreasing amount of academic training in the education process in turn, raise serious concerns regarding the traditional philosophy of legal education. Such concerns appear as a result of objective and well-founded fear that too much of legal practice can eventually kill the academic legal education. In the conditions of unparalleled existence of theoretical and practical compounds, another challenge is absence in the process of legal education of a legal pedagogy component. The outcome of this research specifically suggests that legal pedagogy in harmonious coexistence with legal theory and adequate amount of practice is an efficient instrument. It would enable graduates of law faculties to obtain skills that would help in preparing prognosis of the scenario of legal disputes with solid justifications based on a reasonable interpretation and application of laws. The present state of teaching law aims exceptionally at training students the skills to mechanically identify the applicable laws is outdated. The process of legal education involving all three components to an adequate level is expected to train students constantly think of reasons and the theoretical justifications for the laws being implemented in particular situation.

Presently, the legal research in Uzbekistan needs specific components that may contribute in reanimating it from its stagnating condition. A further enhancement of academic freedom and keen interest in providing support for the legal research from both public and non-public stakeholders may pave the way for such reanimation and contribute to the advancement of the philosophy of law and its education in Uzbekistan. Conceptualization of law is another serious component. The imported disciplines, such as legal ethics, sociology of law, lawyer's professional responsibility, legal-comparative research and analysis, cannot contribute reasonably to the successful curriculum unless they are well-conceptualized and enable students to specify legal contradictions occurring in the contemporary Uzbekistan. In this regard, comparative law should not be directed towards simply transplantation of foreign laws, as it is the case presently, but must enable professionals to understand laws in a comparative perspective with foreign systems and create norms out of local characteristics and requirements of own society.

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