Redesigning the Law Curriculum in Uzbekistan

Aziz Ismatov and Manuchehr Kudratov

1 Introduction

Since 1991, Uzbekistan has been carrying out reforms in the higher education (hereinafter, HE) sector in a rigorous and top-down manner. The HE-related laws that were adopted contained positive intentions, including upgrading the general legal framework for HE and improving the quality of degrees by offering new courses. After 30 years of postsocialist transition in Uzbekistan, and despite initially far-reaching goals, practical experience has shown that laws on HE addressed vital matters in largely abstract terms. While laws on HE, for instance, paved the way for establishing several universities that offered legal education, they did not grant adequate autonomy to these institutions in such essential matters as curriculum and syllabus design, teaching and assessment, graduation requirements, and financial issues. The result of this process is that today, legal education is characterized by a centralized structure and traditional state-centered approach with the government departments at the top (such as the Ministry of Justice or the Ministry of Specialized Higher and Secondary Education) and law faculties at the very bottom. The problem with this structure is that it reflects a former socialist doctrine of placing the state rather than the individual at the center of legal relations, as per the contemporary constitutional goal.[1]

[1] For a more in-depth discussion on this, see: A. Kodintsev, "Legal Education in the USSR in the Postwar Period," *Legal Education and Science* no. No.2 (2008): 35–39.

A. Ismatov (✉)
Nagoya University, Nagoya, Japan
e-mail: ismatov@law.nagoya-u.ac.jp

M. Kudratov
Regensburg University, Regensburg, Germany
e-mail: manuchehr.kudratov@ur.de

A. Mihr and C. Wittke (eds.), *Human Rights Dissemination in Central Asia*,
SpringerBriefs in Political Science,
https://doi.org/10.1007/978-3-031-27972-0_6

Recently, as a key part of legal education reform, the government initiated large-scale recruitment of legal practitioners to law universities. Inviting practitioners to give lectures to students in the law faculties is not a novelty and has been part of the reform processes in many other former Soviet republics, especially in Central Asia. The main objective of recruiting practitioners is to complement the curriculum, which is usually structured around the theory of law, by incorporating the essential component of the practical implications of the legal profession. What is often missing or omitted when implementing such a policy of large-scale recruitment of legal practitioners as university lecturers is a balance with other vital components of legal education. We argue that teaching law solely through personal legal practice, which is often the case, cannot be successful unless the curriculum ensures the effective integration of two essential components: legal teaching skills and academism. Any significant gaps in either of these components will eventually lead to failure to adequately equip future lawyers with both the required theoretical knowledge and practical skills for the legal profession and in the end will impinge on students' personal motivation to become lawyers. Furthermore, locally educated practitioners whose professional experience mainly covers domestic issues and lacks adequate comparative elements and effective application of concrete case law, are unlikely to be successful in offering solid knowledge or expertise in international law disciplines, such as human rights, international humanitarian law, or international organizations.

In this chapter we will stake stock of recent reforms in legal HE in Uzbekistan. Our research is based on field trips to Uzbekistan in 2019 and 2022 and a series of interviews with legal instructors and undergraduate students at their institutes of higher education.[2] We will draw the reader's attention to the challenges presented by existing curriculum design and teaching methods, and we will argue that too strong an emphasis on practical legal education (by legal practitioners) bears the risk of undermining theoretical legal education as an essential component of legal HE.

Currently, there are four HE institutions in Uzbekistan offering law degrees, including one branch of a foreign university, Westminster International University in Tashkent. This branch is something of a novelty in Uzbekistan's HE system as it is based on a private–public partnership.[3] To date, it is the only foreign HE institution in Uzbekistan which offers LL.B and LL.M degrees with a specific focus on business and commercial law. It was established by the government in 2002 and given the small number of law degree holders has not yet become a competitive player in Uzbekistan's legal HE market. Therefore, our data collection focuses on the two main public universities of Uzbekistan: (1) the University of World Economy and Diplomacy (UWED), particularly its international law faculty, which was created in 1992 in Tashkent with the primary objective of training a new generation of diplomats,

[2] A detailed report of the 2022 field trip is published in Aziz Ismatov, *Legal Education in Uzbekistan: Historical Overview and Challenges of Transition*, (CALE Discussion Paper 18, Nagoya, 2019):1–130.

Consent for republishing excerpts from this report has been obtained from the publisher.

[3] Uzbekistan; Modernizing Tertiary Education (Washington, D.C., 2014).

including international lawyers,[4] and (2) Tashkent State University of Law (TSIL), which was created in 1991 to produce specialists for public services, law enforcement, courts, and administrative bodies.[5] These two public universities occupy a dominant position in the domestic HE market, in terms of their high admission numbers and serving as the main focal points providing access to the legal profession. Hence, focusing on these two HE institutions may provide us with a more comprehensive picture of the contemporary challenges faced by domestic legal education.

2 Postsocialist Curricula Under Revision

There has been very little scholarly debate about the goals of the academic legal curriculum in Uzbekistan. Indeed, this is a phenomenon that many post-Soviet republics have experienced following their post-1990 transition process.[6] In the wake of independence, which, in case of the post-Soviet Central Asian republics came unexpectedly, local legal scholars faced the challenge of having to create an entirely new (nonsocialist) legal system from scratch. This new legal system was expected to ensure the smooth and effective implementation of free market principles instead of those of the planned economy, and the rule of law instead of the socialist legality principle. This was an entirely new undertaking for local lawyers who had been trained according to the socialist law curriculum, had limited knowledge of the specifics of transition, and were, therefore, suddenly faced with unknown challenges they were not prepared for. The process of transition also necessitated creating a new law curriculum, to replace the socialist one, in order to train a new generation of lawyers who would be capable of promoting the aforementioned transition reforms. This new curriculum was also created by the same legal scholars who were trained according to the socialist law curriculum, traditionally known for its overemphasis on the theory of law.

In the 1990s, legal education in Uzbekistan was redesigned, which *inter alia*, presupposed the integration of sociological and practical elements with the theoretical aspects of nonsocialist law. A well-balanced combination of these elements within a legal curriculum could have enabled future lawyers to understand the philosophies of transition and obtain essential skills to move into professional legal practice. In reality, however, the design of the legal curriculum failed to successfully integrate and balance the aforementioned elements and, thus, continued to provide exclusively academic, theoretical education with very little focus on the essence and emerging dilemmas of transition or the practical implications of law. Experts on Western legal

[4] *Ukaz Prezidenta Respubliki Uzbekistan 474 o Sozdanii Universiteta Mirovoy Ekonomiki i Diplomatii*, (1992).

[5] *Postanovlenie Kabineta 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).

[6] Christopher Waters, *Counsel in The Caucasus: Professionalization And Law In Georgia* (Martinus Nijhoff Publishers, 2004): 38.

education tend to agree that LL.B curricula, which are heavily based on theory and less on practice, do not prepare students for the real world of legal practice.[7] Indeed, for many years, the legal curriculum in Uzbekistan offered students a more sophisticated understanding of law's historical, philosophical, and dogmatic backgrounds. Most of these elements originated in compulsory paralegal subjects, such as the history of state and law, the theory of state and law, Roman law, philosophy, and other disciplines taught during the first and second years of a degree at Soviet Uzbekistan's only law faculty at the Tashkent State University.[8] The mere fact that a degree in law included subjects such as the history and theory of state and law as a key disciplines in the post-1990 law curriculum indicated that a lot had been borrowed from the old Soviet curriculum, which adhered to a doctrine of state-centric theory (and ideology). Furthermore, these disciplines, along with disciplines such as private law or international law which were just beginning to feature on the curricula of Uzbekistan's HE institutions were largely taught by local academics or the so-called "old school" whose academic mindset was established in the context of socialist law.

The current legal curriculum in HE institutions in Uzbekistan has its own particular characteristics. First, it is relatively strict and entails an unreasonably high academic workload. Within four years, students must cover a considerable number of mandatory nonlegal, paralegal, and legal disciplines, and there is not much freedom to specialize in a specific field of law.[9] Second, the core legal courses do not start until the second academic year (in the case of UWED, even the third academic year), while profile legal disciplines mainly feature in the last year of studies. Furthermore, students often have to follow a curriculum that contains a long list of disciplines that are irrelevant to law, with history, mathematics, economics, national ideology, spirituality, ecology, and even IT all appearing on the list of compulsory subjects. A law curriculum of this type cannot, therefore, accommodate students' interests and offer more flexibility in terms of narrowing down the academic focus to a particular discipline or disciplines.

In 2013–14, and most recently in 2017, there were serious and far-reaching attempts to reform the TSUL and UWED legal curricula to reduce the number of mandatory disciplines and encourage a more specific specialization during legal education. This reform could have addressed many issues, thus resulting in a much-awaited transformation of the philosophy of the legal profession from purely dogmatic and dictated by the state to a transition-oriented approach based on academic freedom. The reform of legal education aimed, *inter alia*, at training specialized lawyers with analytical and professional skills to be applied in legal practice, instead of producing traditionally trained lawyers only capable of mechanically applying legal principles. Also, if implemented successfully, this reform could have

[7] Also see: 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.

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

[9] If a student fails to attend a certain percentage of scheduled classes with no valid reason, they are deemed to have failed the course and may be expelled from the university.

paved the way for the emergence of new generation of critical legal elites, including researchers, who would be able to enrich the existing legal academic dogmatism with concrete ideas or solutions to the numerous risks and challenges stemming from the complex process of transition from one legal model to another. As will become evident in the next sections, the reform remains halfhearted and only partially realized, not least because of the difficulties of adapting the law curriculum to the needs of transitional legal education, and the failure to balance essential elements within legal instruction. The following sections will shed more light on such elements and their mixed results.

3 Socratic Teaching Method

Since the TSUL's and UWED's international law faculties were established in the 1990s, their legal training techniques have followed the Soviet style of memorizing black letter law in the form of traditional *ex cathedra* lectures, where only one lecturer teaches a large group of students for 90 min and expects them to memorize long texts.[10] Except for a small minority of professors, lecturers in these institutions still widely adhere to the "top-down" method of teaching domestic law and require students to memorize written law, take lecture notes—*konspekts*—and mechanically apply the codified law in hypothetical cases.[11] The general contents of lectures remain very abstract or purely theoretical, without paying much attention to comparative legal elements and without necessarily initiating an open discussion among students. Furthermore, the lecturer often sticks rigorously to the material assigned for the lecture.[12] If a professor is good enough to keep students focused and interested in the topic, the class can be a very intellectually stimulating session. However, if a lecturer lacks effective communication or speaking skills and does not know how to hold students' attention, the result is often a boring and frustrating monolog where students are no more than physically present. A main point of concern is that teaching law in local universities rarely generates among students critical thinking on practicing law, skills in legal analysis, the ability to absorb a large number of facts and distinguish their relevance, the ability to present arguments appropriately, a thorough understanding of societal and individual problems, and the capacity to develop optimal solutions.

Lecturers rarely explain or provide materials ahead of the next class or encourage students to properly prepare. Therefore, many students often come to class unprepared, negatively impacting their performance and ability to follow the class. Lectures involving repeated memorizing of theoretical concepts are known to be hard to

[10] Christopher Waters, *Counsel In The Caucasus: Professionalization And Law In Georgia*, 38;

[11] Kobil Ruziev and Umar Burkhanov, "Uzbekistan: Higher Education Reforms and the Changing Landscape Since Independence," (2018): 444.

[12] Usually by the Ministry of Special Higher and Secondary Education.

concentrate on. The majority of students find such methods monotonous and ultimately fail to adequately understand the course content and retain the theoretical knowledge after graduation.

The most recent educational reforms require cutting back on the number of traditional, top-down lectures. It is intended that under the new scheme, law lecturers will emphasize student-centered learning by relying heavily on the Socratic method of teaching, extensive case law training, and other forms of teaching which encourage students to participate actively and present materials to the class. The core principles and techniques of the Socratic method widely used in Western law schools have raised some concerns among lecturers in Uzbekistan. Notably, the number of adequately trained specialists who can maintain interesting and focus-oriented discussions among students is low. Only a handful of young faculty members who studied abroad sometimes introduce interactive methods, such as class discussions and debates, and note the importance of referring to comparative legal materials which enable students to understand the essence of law, the way it is interpreted, and how it is applied to particular cases.[13] These educators suggest that teaching students how to think like a lawyer would be far more efficient than making them learn theories and doctrines by heart. On the other hand, some lecturers argue that the Socratic method might not always be a good choice as it subjects students with weaker communication skills to a stressful experience. Furthermore, improper application of this method in the class may produce mixed results, neglecting the main topic of the lecture. Some of the senior faculty members who trained in the Soviet system often oppose the initiatives of graduates of foreign universities working in Uzbekistan to introduce the Socratic method as a primary teaching method. In particular, they assert that the Socratic method does not always prove successful in classes with a high number of students or high diversity. Moreover, if, when using such a method, the theory is completely or partially excluded, this does not offer solid knowledge to law students either. Both of these criticisms are sound and deserve closer analysis in light of the prevailing chaotic teaching practice where one of these methods prevails in the class and the another is entirely absent. Educators could bear in mind these valuable critical arguments when designing curricula and ensure that a suitable teaching method is attached to each discipline. This step, if applied in a way that critically reassesses existing teaching practice and its results, which are often revealed in teaching assessments, would strengthen the curriculum and provide it with a sense of logic.

[13] For example, by 2019, there were only two of the 20 lecturers at the TSUL with a foreign doctoral degree.

4 Case Law Study

There are also visible problems with the use of case law. In particular, it largely depends on the teacher's expertise and experience in compiling cases. Full-time teachers may create cases independently or copy them from Russian books. Practitioners, on the other hand, may prefer to use cases from their practice.[14] Both methods help students to understand how law is applied in particular circumstances. However, these methods are not very effective when it comes to designing courses for specialized disciplines, such as international law. Indeed, international public law disciplines widely omit any case law element from the curriculum, continuing instead to focus mainly on dogmatic explanations with no reference to the application context.

For example, education on human rights for third-year UWED students integrates, apart from the UN covenants, certain regional human rights treaties, such as the European Convention of Human Rights (ECHR) or the ASEAN Declaration of Human Rights (ADHR). In this class, instructors only provide general knowledge about these treaties, their history, and certain provisions, without going into specifics on the key concepts or the differences between different regional systems. Instructors completely disregard the study of landmark cases, which would enable students to conceptualize, positively or negatively, the spirit of the treaty, the way justices apply the law in each case, to decide on the merits and reparations, and on enforcement. Lecturers also fail to explain the specifics of protection mechanisms that each regional treaty incorporates, or fails to incorporate. As a result, by the end of their studies, most undergraduate students cannot understand the principal difference between the European Court of Human Rights (ECtHR) and the ASEAN Inter-Governmental Commission on Human Rights (AICHR).

Similarly, a comparative law component fleetingly incorporated into specific disciplines, such as constitutional law of foreign states,[15] focuses mainly on the conceptual distinctions between common and civil law, without going into details about how countries that belong to different legal systems address and resolve critical legal issues in their courts. On graduating, it is rare for students to have an adequate understanding and skills in comparative legal methods, simply because it is not a part of the curriculum and, additionally, because certain literature is not referred to, including international cases written mostly in foreign languages.

---

[14] Given the shortage of legal literature in the Uzbek language, Russian-speaking students may have the advantage of being able to refer to Russian law as well if they are lucky to find relevant books in the library or access research data on the web. However, the number of Russian-speaking students is declining annually. According to the 2018 admissions information, of 116 enrolled students, 78 enrolled into classes taught in Uzbek, whereas only 38 registered for Russian-language classes. For more information, see: Aziz Ismatov, *Legal Education in Uzbekistan: Historical Overview and Challenges of Transition*, (CALE Discussion Paper 18, Nagoya, 2019): 58.

[15] Formerly 'Bourgeois Legal Systems'. Refer to, *Law, Studies by Soviet Scholars* (Social Sciences Today Editorial Board, USSR Academy of Sciences, 1985): 141; William Butler, "Soviet International Legal Education: The Pashukanis Syllabus," *Review of Socialist Law* 2 (1976): 80.

Only select mature instructors with a foreign law degree or rich academic and practical experience are in a position to merge theory and practice and refer to foreign laws or cases in their classes. There are just a handful of scholars like this in Uzbekistan who, by drawing on their diverse professional background, successfully incorporate doctrinal, comparative law, and case study methods in their classes. In particular, despite the lack of real legal cases from the national courts, by also relying on the experience gained from active research and involvement in legal reforms in Uzbekistan, these scholars have created a suitable syllabus for their students, containing essential components on theory and practice. These scholars are also trained as teachers, which is another critical aspect of legal education and is reflected in well-structured and well-organized classes. Lecturers like this are the exception. In many other disciplines, lecturers do not have the capacity, for example, to compose a case or appropriately draw on a case from a foreign jurisdiction and demonstrate its applicability in domestic law. Those who refer to cases from other countries tend to limit their focus to a brief overview of the case background, without considering facts, application of the law, merits, and judgment details.[16]

5 Applied Learning

The curriculum that was previously followed in Uzbekistan focused mostly on theoretical aspects of law rather than professional implications. Lack of practical training and awareness of students about professional legal ethics became one of the most serious challenges in Uzbekistan's law universities and urgently required addressing. Therefore, in recent years, the government has decided to place more emphasis on the practical training of law students by recruiting more legal practitioners on a part-time basis to ensure that students are, if not fully, then at least to a certain degree, equipped to perform the tasks assigned to them by their prospective employers.[17]

The primary concern of the present curriculum is the integration of theoretical and doctrinal aspects with practical educational implications. Having realized the significant disconnect between legal education and essential legal practice, local law universities have been struggling to introduce and keep as part of their new curricula several special disciplines fostering the development of practical skills, such as legal academic writing, lawyer's professional speech (or oratory training), legal ethics, legal statistics, system analysis, and personal development. These disciplines encourage students to delve more deeply into a legal working environment. For example, besides its traditional aim of teaching scholarly writing, the legal academic

[16] Even disciplines such 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.

[17] Postanovlenie Prezidenta Respubliki Uzbekistan (1990), *O Merah po Dal'neyshemu Sovershenstvovaniuy Sistemy Podgotovki Yuridicheskih Kadrov.* (2013). See 9.

writing course at the TSUL additionally aims to teach the skills required for formulating and writing formal complaints to the public, lodging judicial applications, and drafting public–private contracts.[18] Simultaneously, local universities recruit a large number of practitioners of law to teach not only private but also public law. Ultimately this has led to an imbalanced approach where practice-oriented classes have largely replaced theoretical classes.

Indeed, the contents of the courses offered by practitioners are clearly more interactive than traditional lectures. However, in many cases, such courses gradually become more of a regular "sharing of an interesting personal experience" or question–answer session that do not tie the actual practice to the theoretical background.[19] Sometimes, when practitioners share a remarkable experience in dealing with resonance cases, and many students seem to like it, the resulting "active learning sessions" end up making a deep but merely temporary impression. Furthermore, many practitioners lack another vital component essential to the study process: they are not trained legal educators. It is a well-established fact that if even a high-class practitioner who is entirely familiar with the doctrinal aspects of the law lacks essential pedagogical skills, they are unlikely to be successful in transferring their practical knowledge to a younger generation of lawyers.[20]

While a small minority of legal practitioners can combine theory and practice in a well-organized manner, the majority often omit the part on theory and transfer a class into practical storytelling. 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.[21] Such a situation eventually leads to mixed-up education and disorientation in the general direction of the class.

6 The Essence of Sociology of Law

A closer look at the state of legal education in Uzbekistan reveals numerous contradictions. Only one aspect of this is described in the present chapter. So what went wrong with or what was missing from the reforms? In the first decade of independence, deeming the Soviet legal education to be ideology oriented and unsuitable

[18] Mail correspondence with Deputy Rector Mr. K on the New (Credit) Scheme, 2020. Previously, UWED and TSUL students had a very heavy workload, with some 58 different classes, while under the new modular scheme, they only have 40 modules. Further, the old curriculum presupposed teaching the same courses for all students, regardless of their specialization. Under the new curriculum, all study 26 core subjects then, when they have selected a specialization in a specific direction, for the last two years of their degree, a student can concentrate their own efforts on 14 special subjects of their own personal choice. I think no outsider will understands the difference between modules and subjects here. Could you either shorten this or give examples so that the reader who is entirely unfamiliar with the Uzbek system can understand this explanatory footnote.

[19] Interview, 2019.

[20] Shuvro Sarker, *Legal Education in Asia* (Eleven International Publishing, 2014): 149.

[21] Interview, 2019.

given the realities of the transition from socialism to a market-oriented economy, the government of Uzbekistan decided to distance itself from the existing framework for legal professional education, instead establishing new law faculties with the aim of training "new lawyers". However, by taking a comprehensive look at the core characteristics of post-Soviet legal education, for example, curriculum design, law teaching methods, and general management of relevant HEIs, it is apparent that the legal education system was modeled broadly on the Soviet legal education doctrine and offered no modern sociology of law approaches which would enable students to identify and correctly understand the prevailing contradictions in an Uzbekistan in transition. Here, issues arose, both short and longer term, around producing internationally minded legal scholars and practitioners with intercultural competence, and it eventually affected the trajectory of legal education toward globalization.

A lack of sociology of law incorporated in the law curriculum is one reason why many students fail to understand how vital it was to develop completely new concepts within the context of proposed system transition. Human rights is one of many disciplines that remains poorly conceptualized among students, and even instructors, mainly because of its obscure position and nature within the current process of transition in Uzbekistan. For example, the present Constitution of Uzbekistan (enacted in 1992 and amended several times, with the most fundamental amendments expected by the end of 2022) dedicates Part II to Basic Human and Civil Rights, Freedoms, and Duties. A careful look at the contents of this part of the Constitution reveals that human rights are mainly embodied, not as natural rights, but as citizens' rights and freedoms, which simultaneously stipulate a dichotomy between rights and responsibilities. Article 19 on "The Rights of Citizens" states:

Citizens of the Republic of Uzbekistan and the state shall be bound by mutual rights and mutual responsibility. Citizens' rights and freedoms, established by the Constitution and laws, shall be inalienable. No one shall have the right to deprive or limit them without a court.[22]

Another set of fundamental rights, for example, freedom of thought, speech, and opinion are also guaranteed under the provisions of the current Constitution. However, with the strict control of the media under ex-President Karimov, the exercise of citizens' rights, particularly political freedoms, has often been de facto restricted.[23] The 1992 Constitution abolished the concept of the "dictatorship of the proletariat" and replaced it with the "diversity of political institutions, ideologies, and opinions". Further, the word "human rights", which had been rejected before, was included in the Constitution.

The question of why human rights were introduced in Uzbekistan and the reasons behind the adoption of the new Constitution that included them in the early 1990s can is not easy to answer. One reason for their inclusion may be the rise, after the

[22] Article 19, Constitution of the Republic of Uzbekistan (1992).

[23] Also see: John Pottenger, "Civil Society, Religious Freedom, and Islam Karimov: Uzbekistan's Struggle for a Decent Society," *Central Asian Survey 23*, no. 1 (March 1, 2004): 55–77; Pottenger; Zhanna Kozhamberdiyeva, "Freedom of Expression on the Internet: A Case Study of Uzbekistan," *Review of Central and East European Law 33*, no. 1 (January 1, 2008): 95–134.

collapse of the USSR, of anti-socialist reformists promoting political pluralism and calling for the draft Constitution to unconditionally include provisions on human rights. Their radical demands, however, did not meet with full support, as in the process of negotiating the draft Constitution in 1992, conservatives widely opposed the inclusion of human rights as natural rights or *ius naturale*. Eventually, human rights provisions were largely integrated into the category of citizens' rights. In other words, the Constitution still follows a Soviet positivist doctrine according to which rights are granted, and whenever necessary can be limited by the government. Notably, a similar approach is taken not only in the constitutions of other former Soviet states but also in the socialist states of the Association of Southeast Asian Nations (ASEAN) (Vietnam and Laos).

Contemporary human rights theory in Uzbekistan comprises (1) a continuing argument that human rights fall entirely under the state's internal matters; and (2) a strong association with the right to development (of the nation). These notions typically represent a classic example of "Asian human rights" and their close theoretical ties to the third generation of human rights.[24] It subsequently sparked scholarly debates between supporters of the theories of complementarity and those who oppose the third generation of human rights or cultural relativism.[25] The Uzbek government often seeks to approach the human rights concept by actively relying on Asian (oriental) values and the supremacy of national development interests. In this context, the nation-state often uses a rhetoric that justifies the limitation of rights. In particular, in order to achieve developmental goals with specific national characteristics, sacrificing certain freedoms or restricting certain human rights is unavoidable. This focus on development influences the degree of democracy and the rule of law, which in contemporary Uzbekistan is mainly associated with the importance of strong rule by a dominant leader aimed at achieving good results. This conceptual framework, which varies greatly from the Western concept of human rights, is incorporated to the current constitution and public politics in Uzbekistan. It also creates artificial barriers for legal scholars and practitioners to articulate how constitutional provisions on human rights must be created, interpreted, and effectively applied in specific cases. Most importantly, law students cannot conceptualize this state discourse and compare it with other discourses because law curriculums omit the aforementioned crucial element—sociology of law, which would enable students to understand the specifics of post-socialist transition.

[24] Tae-Ung Baik, *Emerging Regional Human Rights Systems in Asia* (Cambridge University Press, 2012): 55.

[25] Ibid, 268–69.

7 Conclusion

From a broader historical perspective, the evolution of legal education in Uzbekistan demonstrates two major transitions: from theological to socialist, and from socialist to modern legal education, the latter of which is *de jure* nonsocialist, but in fact, has clear socialist characteristics. The first two decades of the post-Soviet period in Uzbekistan have demonstrated a post-Soviet syndrome frequently seen in the region where law-teaching institutions lag behind the process of transition and remain largely unreformed. New curricula failed to serve as an effective basis for the conceptualization of a new form of legal training and produce a new generation of legal professionals who are able to understand and address the challenges of transition. Simultaneously, the increase in the popularity of law degrees in the context of poorly designed law curriculums and publicly controlled law faculties is a major post-Communist phenomenon, which raises questions about the true essence of legal professions and the tasks which lawyers are expected to perform. There are now many young people who want to obtain a degree in law, motivated by the goal of working as a prosecutor or judge. On the other hand, the profession of lawyer (*advokat*) in Uzbekistan is not as popular as it is, for example, in the Western hemisphere, in Japan, or in Korea. In the developed countries, working as a lawyer is attractive due to the financial stability, freedom, and independence it offers, and the fact that it is not as routine as other public sector jobs. One of many reasons young people in Uzbekistan prioritize working as a prosecutor or law enforcement officer rather than *advokat* is the high level and breadth of the authority of these public institutions. Jobs in the law enforcement sector, an area which has remained totally unchanged since the Soviet era, provide access to considerable administrative resources and involve a far simpler decision-making process as they are able to circumvent many of the usual burdens that make it difficult to address concrete legal issues in Uzbekistan. Perhaps, an independent and more creative, research-based curriculum might encourage young people in Uzbekistan to reconsider their views and approaches toward the legal profession in the future.

The legal education system in today's Uzbekistan is still going through a difficult period of painful transition reforms. Regardless of policymakers' intentions, a small number of universities that teach law have been maintaining formerly socialist curriculums influenced by strong state-centered components. On the other hand, the urgent need to reform legal education has resulted in several attempts to create programs and specializations, as well as to introduce what local educators refer to with the vague term "innovative" teaching technologies. Maintaining this mix of old and new at the same time presents an unresolved challenge, especially when it comes to the theoretical and practical elements of legal education. What has recently been observed is the apparent gravitation of legal education from mainly theoretical settings toward professional legal practice with the wider involvement of nonacademic practitioners. Too much legal practice and a decline in academic training in the education process, in turn, raises serious concerns regarding the traditional philosophy of legal education. Such concerns result from the objective and well-founded

fear that too much legal practice can eventually kill off academic legal education. Apart from poorly balanced theoretical and practical compounds, another challenge is the absence of a legal pedagogy component in the process of legal education. This research suggests that legal pedagogy combined in a well-balanced and harmonious way, with legal theory and acceptable practice is an efficient instrument. It would enable graduates of law faculties to acquire skills that would help in offering effective solutions of legal disputes with solid justifications based on a reasonable interpretation and application of laws. The present state of law teaching which specifically aims at giving students the skills to mechanically identify the applicable laws is outdated. Legal education involving all three components to an adequate level would be better suited to training students to continually identify reasons and theoretical justifications for particular laws to be implemented in a particular situation.

Of the several serious concerns mentioned in this chapter, another crucial one is the adaptation of case study law for the legal curriculum. While studying law based on analyzing concrete and relevant cases has proven to be successful in many countries, it is not yet clear how this method will pan out in Uzbekistan, a country with no rich and valuable legal practice material to serve as a basis for studying case law. In very exceptional or limited circumstances, a handful of law instructors, relying on their own considerable experience and potential, may be able to reconstruct available or create new cases, and successfully integrate these into course curricula. In reality, however, the majority of law instructors in Uzbekistan do not have this kind of experience and simply cannot conceptualize the idea of a successful case study doctrine. While utilizing a case study method, instructors could add a comparative element to demonstrate how law can be similarly or differently applied in contextual cases in foreign jurisdictions. This type of method would help students not only to understand foreign law, but primarily to conceptualize their own legal system and its specific features. Further, when comparing case studies, explanations for numerous conflicts with local law, would expand students' horizons regarding the hybrid nature of the legal system. Apart from the old socialist law and current nonsocialist black letter law, Uzbekistan's law is also based on strong traditional elements originating from its specific culture and history, which influence the whole process of legal interpretation and application in the country. This approach requires not only legal but also adequate linguistic skills.

Presently, legal research in Uzbekistan is stagnant and certain changes are required to revitalize it. A further increase in academic freedom and greater interest in supporting legal research from both public and non-public stakeholders may pave the way for such reinvigoration and contribute to advancing the philosophy of law and law education in Uzbekistan. Conceptualization of law is another serious missing component. Imported disciplines, such as legal ethics, sociology of law, lawyers' professional responsibility, comparative legal research, and analysis, cannot make any kind of substantial contribution to a successful curriculum unless they are well-conceptualized and enable students to identify legal contradictions occurring in contemporary Uzbekistan. In this regard, comparative law should not be aimed at simply transplanting foreign laws, as is currently the case, but must enable professionals to understand laws in a comparative perspective with foreign systems and

create norms by paying due attention to the local characteristics and requirements of their own society. Simultaneously, lawyers must bear in mind that universal norms, such as human rights, do not always coexist with local culture and society. This is a common phenomenon in Asia, which, since the end of the Cold War, has become a serious concern regarding the applicability of human rights as a Western product imported into the local non-Western context. This complex paradox is also rooted in the current legal education system's weak approach to the philosophies of human rights and their ineffective dissemination among future lawyers. Legal educators in the transition societies of wider Central Asia, therefore, need to consider how, apart from being normatively transplanted into the constitutional text, practice-based case study law on human rights with domestic and foreign comparative elements may emerge as an effective tool to educate future lawyers.

References

Baik T (2012) Emerging regional human rights systems in Asia. Cambridge University Press, Cambridge

Brunner J, Tillet A (2007) Higher education in Central Asia: the challenges of modernization: case studies from Kazakhstan, Tajikistan, The Kyrgyz Republic, and Uzbekistan. World Bank Publications, Washington, D.C.

Butler W (1976) Soviet international legal education: the pashukanis syllabus. Rev Soc Law 2:80

Christopher W (2004) Counsel in the caucasus: professionalization and law in Georgia. Martinus Nijhoff Publishers, Leiden, p 38

Constitution of the Republic of Uzbekistan (1992)

Ismatov A (2019) Legal education in Uzbekistan: historical overview and challenges of transition. CALE Discussion Paper 18

Kodintsev A (2008) Legal education in the USSR in the postwar period. Legal Educ Sci 2:35–39

Kozhamberdiyeva Z (2008) Freedom of expression on the internet: a case study of Uzbekistan. Rev Central East Euro Law 33(1):95–134

Law studies by soviet scholars. social sciences today editorial board. USSR Acad Sci

Postanovlenie Kabineta Ministrov pri Prezidente Uzbekskoy SSR N 221 O Preobrazovanii Yuridicheskogo Instituta pri Tashkentskom Gosudarstvennom Universitete im. V. I. Lenina v Tashkentskiy Gosudarstvenniy Yuridicheskiy Universitet [Order of the Cabinet of Ministers under the President of the Republic of Uzbekistan N 221 regarding the transformation of the Law Institute under the Tashkent State University named after V. I. Lenin into the Tashkent State Institute of Law] (1991)

Postanovlenie Prezidenta Respubliki Uzbekistan 1990, O Merah po Dal'neyshemu Sovershenstvovaniuy Sistemy Podgotovki Yuridicheskih Kadrov [Order of the President of the Republic of Uzbekistan N 1990 on measures towards further improvement of the training system of legal cadres] (2013).

Pottenger J (2004) Civil society, religious freedom, and Islam Karimov: Uzbekistan's struggle for a decent society. Central Asian Surv 23(1):55–77

Ruziev K, Burkhanov U (2018) Uzbekistan: higher education reforms and the changing landscape since independence. In: Huisman J et al (ed) 25 years of transformations of higher education systems in post-soviet Countries. Palgrave Macmillan, Cham

Sarker S (2014) Legal education in Asia. Eleven International Publishing, Den Haag, p 149

Shebanov AF (1963) Yuridicheskie vyshsie uchebnie zavedenia [Legal Educational Institutes]. Higher School, Moscow, p 44

Ukaz Prezidenta Respubliki Uzbekistan 474 o Sozdanii Universiteta Mirovoy Ekonomiki i Diplomatii [Resolution of the President of the Republic of Uzbekistan on the establishment of the university of World Economy and Diplomacy], (1992)

World Bank, Uzbekistan; Modernizing Tertiary Education, the World Bank Report, Washington, D.C., 2014. Accessed via https://www.worldbank.org/content/dam/Worldbank/document/eca/central-asia/Uzbekistan-Higher-Education-Report-2014-en.pdf. Last Accessed 20 Dec 2020