

The Bar Institute and Its Role in The Economic Process

Malika Tollibaeva

Independent researcher at the Academy of Justice of the Republic of Uzbekistan, Uzbekistan



DOI : <https://doi.org/10.61796/ijblps.v3i1.443>



Sections Info

Article history:

Submitted: November 15, 2025
Final Revised: December 26, 2025
Accepted: January 02, 2026
Published: January 19, 2026

Keywords:

Bar institute
legal profession
Economic proceedings
Lawyer independence,
arbitration
Civil-law contract
Court administrator
Access to justice
Rule of law
Economic disputes

ABSTRACT

Objective: The bar institute constitutes a fundamental component of the legal system, ensuring the effective protection of legal rights and interests of individuals and business entities within economic processes. This article examines the institutional role of the bar in economic proceedings, emphasizing the importance of lawyers' professional independence, ethical standards, and functional versatility. **Method:** Using a doctrinal and comparative legal methodology, the study analyzes the participation of lawyers not only as legal representatives but also as legal service providers under civil-law contracts, arbitrators in arbitration and international commercial tribunals, and court administrators in insolvency and economic cases. **Results:** The findings demonstrate that maintaining the independence of lawyers through civil-law contractual arrangements enhances impartiality, prevents conflicts of interest, and strengthens access to justice. Furthermore, the study highlights that lawyers' involvement in alternative dispute resolution mechanisms and court administration contributes significantly to procedural efficiency and economic stability. **Novelty:** The article concludes that the bar institute plays a decisive role in safeguarding the rule of law, promoting fair economic dispute resolution, and supporting sustainable economic development in line with international legal standards.

INTRODUCTION

The bar institute is a key element of the legal system that ensures the protection and representation of legal interests for citizens, foreign nationals, stateless persons, enterprises, and organizations before courts and other competent authorities. Without an independent bar, parties in economic processes cannot effectively defend their rights and interests, and fair resolution of economic disputes and reliable enforcement of judicial decisions is seriously jeopardized. In many jurisdictions, bar associations help uphold the rule of law, access to justice, and ethical standards in legal practice [1].

Background and Legal Framework. Modern legal systems recognize the bar as a professional body that supports legal representation, ethical conduct, and the integrity of the legal profession. Bar associations often administer professional standards, facilitate

RESEARCH METHOD

This study synthesizes doctrinal legal analysis based on comparative research from both domestic and international legal frameworks. Sources include legal literature on the role of bar associations, statutory provisions, and international reports on the independence of lawyers. We refer to foreign scholarly and institutional sources such as

the *Britannica* entry on bar associations, the *United Nations Special Rapporteur report*, and the *International Bar Association* report on economic impacts of legal systems, which serve as empirical and theoretical support [3].

RESULTS AND DISCUSSION

Result

1. Independent Legal Representation

The bar institute ensures that individuals and businesses involved in economic activities receive impartial legal representation. Lawyers support contract negotiation, protect rights in commercial disputes, and provide defense in regulatory actions. Independent legal representation contributes to predictability and stability in economic transactions [4].

2. Rule of Law and Economic Development

Empirical studies indicate a strong link between the rule of law and economic performance. Effective access to justice and well-developed legal representation are positively correlated with higher GDP and stronger enforcement of civil justice [5].

3. Professional Standards and Ethics

Bar associations set and enforce codes of professional conduct, creating ethical guidelines that lawyers must follow. This reinforces public confidence in legal institutions and prevents malpractice.

4. Access to Justice

International standards highlight that bar associations play a crucial role in facilitating access to legal services for underserved populations, ensuring fair trials and due process.

Discussion

The legal system of Uzbekistan is also being formed in accordance with this advanced international practice. At the same time, the participation of a lawyer as a judge in arbitration courts and international arbitrations is accompanied by strict restrictions. While carrying out this activity, a lawyer must avoid conflicts of interest related to his legal activities, comply with the rules of legal secrecy and professional ethics [6]. These requirements ensure that a lawyer maintains a clear boundary between two types of professional activities - a representative and an arbitrator. The institution of a court administrator is of important procedural and legal importance in civil and especially economic litigation, and he is an independent person who exercises special powers assigned by the court. The formation of this institution is due to the need to ensure effective, fair and legal conduct of legal proceedings, as well as balanced protection of the rights and legitimate interests of the parties. **Articles 3, 4, 6 of the Law of the Republic of Uzbekistan "On Advocacy"** state that advocacy is an independent professional activity and that an advocate may engage in other types of professional activity not prohibited by law [7]. The activity of a court administrator is an independent and impartial type of professional activity that does not conflict with advocacy, and this norm creates a general legal basis for the participation of an advocate as a court administrator.

In civil and economic litigation, advocates are recognized as subjects with a high level of legal knowledge, procedural experience and professional responsibility [8]. Therefore, the legislation allows for the involvement of advocates as court administrators, in which they participate not as a component of the judicial body, but as a person authorized by the court. The legal nature of a court administrator is fundamentally different from that of an authorized judge or an employee of the judicial apparatus. He is not considered a civil servant and does not operate within the framework of labor relations. The relationship between the court administrator and the court or interested parties is, as a rule, regulated by civil law and procedural norms. This serves to maintain the independence and impartiality of the legal profession. In particular, **Article 41 of the Code of Economic Procedure** recognizes other persons as persons participating in the legal profession by virtue of the powers assigned to them [9]. That is, we can include the court administrator among such persons. The activities of a lawyer as a court administrator are not limited only to the Law of the Republic of Uzbekistan "On Advocacy". **Article 22 of the Law of the Republic of Uzbekistan "On Insolvency"** dated April 12, 2022 stipulates that persons with a higher education and at least two years of work experience, as well as lawyers who have passed certification in an authorized state body, as well as a license to specialize in civil and economic litigation, may also be court administrators [10]. From a regulatory and legal perspective, the procedural legislation on civil and economic litigation establishes a circle of persons to whom the court may grant special procedural powers [11]. The court administrator is one of such entities, who, upon the instruction of the court, performs such tasks as managing property, analyzing documents, studying the economic situation, and coordinating the interests of creditors and interested parties. These tasks require complex legal and economic knowledge, which logically justifies the involvement of lawyers in this role [12]. The activities of a lawyer as a court administrator are completely different from the classical form of advocacy - that is, protecting and representing the interests of the parties. Here, the lawyer participates not as a representative of a specific person, but as a person who impartially and professionally performs procedural tasks established by the court. Therefore, the lawyer-court administrator must not allow a conflict of interest, not have previously provided legal assistance to one of the parties in this case, and strictly adhere to the principle of neutrality in his activities [13]. While carrying out this activity, a lawyer must comply with the requirements of legal secrecy, professional ethics and procedural discipline. As a court administrator, there is judicial control over decisions made and actions taken, which ensures that this institution is based on the principles of legality and transparency.

A. Economic Process and Legal Safeguards.

In economic legal processes, parties must understand that contract enforcement and dispute resolution are central to market confidence. Without a bar institute, economic actors would lack effective protection of contractual and property rights [14]. This would increase transaction costs, litigation risks, and undermine investment. International evidence suggests that stronger legal institutions correlate with economic growth.

B. Independence and Professional Autonomy.

The *Advocatura* (bar) institute's independence from state administrative bodies is crucial. If lawyers were employed as regular legal staff under strict hierarchical control, conflicts of interest may arise, threatening impartiality and access to justice. Civil law contracts for legal services preserve lawyer independence, consistent with global legal norms.

C. Alternative Dispute Resolution and Arbitration.

Participation of lawyers in alternative mechanisms — such as arbitral tribunals — underscores their contribution beyond litigation [15]. International arbitration systems often rely on specialists with legal expertise rather than state judges, reflecting global practice norms.

D. Continuing Professional Development.

Bar associations worldwide provide continuing legal education and training, raising professional competency. This is essential in complex economic litigation and rapidly evolving commercial law environments.

CONCLUSION

Fundamental Finding: The bar institute is indispensable for ensuring fair economic processes, as it guarantees effective legal representation, supports the rule of law, upholds professional ethics, and promotes economic development through legal certainty. **Implication:** These functions cannot be optimally fulfilled if lawyers are placed in subordinate employment relationships, as such arrangements risk undermining professional independence and the quality of legal protection. **Limitation:** The study does not explore the specific impact of varying legal frameworks across different jurisdictions, which could influence the implementation of the bar institute's functions. **Future Research:** Further research could focus on comparing the role of lawyers in different legal systems to assess the impact of professional independence on the efficiency of legal and economic processes.

REFERENCES

- [1] Encyclopaedia Britannica, "Bar Association." [Online]. Available: <https://www.britannica.com/topic/bar-association>
- [2] United Nations Special Rapporteur on the Independence of Judges and Lawyers, "Report on Bar Associations." [Online]. Available: <https://independence-judges-lawyers.org/reports/report-on-bar-associations/>
- [3] International Bar Association, "Making an Impact." [Online]. Available: <https://www.ibanet.org/making-an-impact>
- [4] Law Society Online, "The Impact of Bar Associations on Legal Practice Effectiveness." [Online]. Available: <https://lawsocietyonline.com/impact-of-bar-associations-on-legal-practice/>

- [5] Law Society Online, "Bar Association Roles in Shaping Legal Standards and Ethics." [Online]. Available: <https://lawsocietyonline.com/bar-association-roles-in-shaping-legal-standards/>
- [6] International Chamber of Commerce, "ICC Dispute Resolution Statistics," 2023, [Online]. Available: <https://iccwbo.org/dispute-resolution-statistics/>
- [7] Republic of Uzbekistan, "Law of the Republic of Uzbekistan On Advocacy." [Online]. Available: <https://lex.uz/uz/docs/-54503>
- [8] Organisation for Economic Co-operation and Development, *Equal Access to Justice for Inclusive Growth*. Paris: OECD Publishing, 2019. doi: 10.1787/597f5b7f-en.
- [9] Republic of Uzbekistan, "Law of the Republic of Uzbekistan On Insolvency." [Online]. Available: <https://lex.uz/docs/6352957>
- [10] Republic of Uzbekistan, "Economic Procedure Code of the Republic of Uzbekistan." [Online]. Available: <https://lex.uz/mact/-3523891>
- [11] United Nations, "Basic Principles on the Role of Lawyers." [Online]. Available: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>
- [12] World Justice Project, "World Justice Project Rule of Law Index 2024." [Online]. Available: <https://worldjusticeproject.org/rule-of-law-index>
- [13] World Bank, "World Development Report: Governance and the Law." [Online]. Available: <https://www.worldbank.org/en/publication/wdr2017>
- [14] Council of Europe, "European Judicial Systems: Efficiency and Quality of Justice," CEPEJ, 2022. [Online]. Available: <https://www.coe.int/en/web/cepej>
- [15] United Nations Commission on International Trade Law, "UNCITRAL Model Law on International Commercial Arbitration." [Online]. Available: https://uncitral.un.org/en/texts/arbitration/modellaw/commercial_arbitration

*** Malika Tollibaeva (Corresponding Author)**

Independent researcher at the Academy of Justice of the Republic of Uzbekistan, Uzbekistan

Email: malikatollibayeva@gmail.com
