



THEORETICAL AND LEGAL BASIS OF THE STATUS OF AN ADVOCATE INTERN

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ABSTRACT

This article analyzes the concept of an advocate intern on the basis of scientific sources, legal encyclopedias, dictionaries, as well as the views of foreign scholars. At the same time, the legislation of foreign countries in this area has been thoroughly studied, and proposals and recommendations have been developed to improve national legislation on advocacy. In conclusion, the author has elaborated an original definition of the concept of an advocate intern.

In recent years, large-scale reforms aimed at improving the institution of advocacy in our country have been implemented. The main objective of these reforms is to strengthen citizens' trust in the institution of advocacy and to fully ensure every individual's right, guaranteed by the Constitution, to receive qualified legal assistance. The measures undertaken in this area serve as an integral part of the process of building a rule-of-law state and a civil society in our country.

It is noteworthy that changes aimed at developing the system of advocacy are being implemented not abruptly, but rather gradually and in logical sequence. This, in turn, ensures the sustainable development of advocacy activities and creates opportunities to eliminate existing problems through their in-depth analysis. The consistency of reforms is closely linked with strengthening the legal status of the advocacy institution, ensuring the professional independence of lawyers, and widely introducing the principles of openness and transparency in their activities.

The effective organization of the internship process for an advocate intern plays a decisive role in their subsequent attainment of the status of an advocate. This stage serves as a fundamental mechanism for combining the necessary theoretical knowledge with practical experience, as well as for developing professional skills and competencies required for the independent practice of law. An analysis of the existing normative legal acts shows that, at present, the internship process for individuals seeking to obtain the status of an advocate has been relatively simplified and, in many cases, is carried out merely as a formality. Naturally, this has a direct impact on the level of professional preparedness of advocate interns.

This situation, first and foremost, necessitates enhancing the practical effectiveness of the internship institution. To obtain the right to independently engage in advocacy, it is essential not only to possess theoretical knowledge, but also to acquire sufficient practical experience, legal reasoning, and the ability to make independent decisions. From this perspective, it is necessary to thoroughly reconsider the essence and content of the internship

process, evaluating it not merely as a formal requirement, but as an important stage of professional development.

The status of an advocate intern differs from that of representatives of other legal institutions: he or she is not merely a student, yet not a fully independent professional either. In this intermediate position, the intern not only learns but also bears responsibility. It is precisely at this stage that the intern chooses his or her professional path and develops a sense of connection with legal culture and professional ethics. Therefore, properly defining the status of an advocate intern and systematizing the legal norms related to it in a clear and precise manner constitute an integral part of the process of preparing for the profession.

First and foremost, it is necessary to provide a scientifically-theoretical and legally grounded definition of the concept of an advocate intern. To this end, it is essential to analyze the approaches presented in scholarly literature, the definitions offered by legal scholars, as well as the legal norms reflected in foreign and international practice. At the same time, it should be noted that the current national legislation, in particular the Law "On Advocacy" and the related regulations, does not contain a complete and precise definition of the status of an advocate intern, which calls for an in-depth legal study of this institution. The current legislation of the Republic of Uzbekistan does not provide a clear definition of the notion of an advocate intern. This, in turn, necessitates the further improvement of the legal foundations of this institution.

In our view, the legal definition of the concept of an advocate intern serves as an important theoretical basis for revealing the essence of this institution, clearly determining its legal status, and fully comprehending its role in practice. The clarification of legal categories not only ensures the consistent development of the normative-legal framework but also directly influences their proper application in law enforcement practice. In the scholarly literature, there exist several approaches to the concept of an "intern." Some scholars define an intern as "a person preparing for a certain professional activity but who has not yet attained the status of an independent professional."

In linguistic sources, the concept of "intern" has also been explained. In particular, the Explanatory Dictionary of the Uzbek Language defines the term *stajyor* (from the French *stagiaire*) as "a person undergoing a probationary period and receiving training in order to subsequently work in a certain position"[1].

"At the same time, in S.I.Ozhegov's dictionary, this term refers to a person undergoing practical training in a particular field"[2]. "This definition reflects the practical orientation of the internship process. The concept of 'internship,' in turn, is interpreted as a process of work activity carried out for a certain period by a newly employed person with the aim of acquiring the necessary practical skills and experience in a particular profession or field, as well as assessing the professional preparedness and potential of the intern."[3].

In this regard, it is necessary to refer to the views of scholars. It is rather difficult to find a definition of the concept of an advocate trainee given by Uzbek legal scholars. Therefore, we consider it necessary to analyze this issue on the basis of the scientific opinions of foreign scholars. For example, it is worth emphasizing the definition put forward by the Russian scholar I.T. Ragulina. According to her, "An advocate trainee is a person undergoing practical and theoretical training under the supervision of an advocate in order to acquire the

professional experience required for the independent practice of advocacy”[4]. This definition clearly reflects the primary function of the internship institution, namely the process of professional development and the acquisition of practical skills. Within this approach, the trainee is described as a person in a specific intermediate legal status who is preparing for independent advocacy practice but has not yet attained full professional autonomy.

In legal sources, there are various viewpoints regarding the status and scope of activity of an advocate trainee, with some scholars identifying them as an important subject in the preparatory stage for the legal profession. In particular, as Y.F.Lubshev emphasizes, unlike an advocate’s assistant, the advocate trainee is considered a person directly preparing themselves for independent advocacy practice.”[5].

In the definition put forward by A.N. Chashin, the concept of an “advocate trainee” is mainly emphasized from a functional perspective, being characterized as a person undergoing a probationary internship within a bar association (law office)[6].

Another definition found in educational literature highlights more of the characteristics of an advocate trainee; however, this definition also does not fully cover all aspects of the institution. It explains as follows: “An advocate trainee is a person with higher legal education, working under an employment contract within a bar association (law firm), acting under the supervision of an advocate, and aspiring to obtain the status of an advocate.”[7].

I.T.Kantyukova defines an advocate trainee as a person who, under the supervision of an advocate, acquires the necessary professional skills and experience for the independent practice of advocacy through the application of theoretical knowledge in practice[8].

In our view, it is also advisable to study the experience of foreign countries regarding the concept of an advocate trainee. Turning to Georgian legislation, the concept of an advocate trainee is clearly defined as a person aspiring to obtain the status of an advocate and undergoing a special stage of preparation for this purpose. According to this approach, although the trainee does not possess the right to conduct advocacy independently, he or she acquires professional skills under the supervision of a senior advocate and undergoes the necessary training to subsequently obtain full advocate status.

Article 30 of the Education Code of the Republic of Belarus reflects the following approach to the concept of a trainee: a trainee is a person mastering a special educational program for the internship of managerial employees and specialists. The analysis of these provisions shows that internship is, first and foremost, a form of the educational process, which cannot be fully implemented without the acquisition of theoretical knowledge. Thus, Belarusian legislation views the activity of a trainee not only as practical training but also as being intrinsically linked to the necessary theoretical preparation.

Although the Federal Law of the Russian Federation “On the Bar and Advocacy” does not provide a precise definition of the term ‘trainee advocate,’ certain normative acts adopted at the level of individual subjects contain legal definitions of this institution. For example, Clause 3 of the Statute on the Procedure for Undertaking Internships in the Bar Associations of the Republic of Bashkortostan defines a trainee advocate as a person employed in a bar association under a fixed-term employment contract (contract), who carries out specific assignments under the supervision of a mentor advocate.

Based on the theoretical considerations and practical analyses set out above, the following author's definition of the concept of "advocate trainee" may be formulated:

"An advocate trainee is a person who possesses a basic higher legal education, undergoes practical and theoretical training for a certain period under the supervision of an advocate in accordance with the established procedure, is in the process of professional development in line with the legal, ethical, and organizational requirements of the advocacy profession, and is acquiring the knowledge, skills, and competencies necessary to carry out independent advocacy."

In our opinion, providing a scientifically and theoretically precise definition of the concept of an "advocate trainee" reveals the essence of the institution of advocacy, determines its legal status, and contributes to the effective organization of the internship process. In turn, this serves as an important theoretical and practical foundation for the preparation of qualified advocates, the ensuring of the rule of law, and the strengthening of public trust in the advocacy profession.

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