



# Civil Law Regulation of Consulting Services

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## ABSTRACT

Consulting services have become an integral part of modern business, and regulatory oversight is necessary to ensure that they operate ethically and professionally. In recent years, the consulting industry has experienced tremendous growth due to the growing demand for professional expertise and market knowledge. However, the industry has also faced numerous legal and ethical challenges, which have revealed the need for even more effective legal regulation. In this article, in order to determine more effective methods of regulation, various legal issues related to the provision of consulting services were discussed. Applying several general and private legal methods of legal research as a cognitive method, a method of analysis and synthesis, etc., the analysis of the legal conjuncture of the consulting services market was carried out. As a result of this work, results have been obtained in the form of scientific definitions, and when applied, they can be effective tools for legal regulation of consulting services.

### Keywords:

Consulting services, parties, users, supplier, legal advice, civil liability, contract

## Introduction

Consulting services play a crucial role in the modern business world, offering expert advice and recommendations in a wide range of areas, including finance, management, accounting, taxation and regulatory compliance. However, the legal issues related to these services are becoming more complex as consulting firms expand their activities and compete for clients in a globalized market. This paper explores legal issues related to consulting services, with a particular focus on regulation and the future of consulting services.

This article provides an overview of the consulting services industry and the various areas in which consulting services are offered. It also examines the growth of consulting services, including trends and new areas of consulting.

Legal regulation of consulting services refers to various laws, regulations and guidelines that regulate the provision of consulting services by professional consultants. Consulting services are classified as a specialized service that provides knowledge, recommendations and expertise to help organizations improve their performance in various areas, including strategy, finance, marketing and human resources.

In turn, legal issues related to consulting services are analyzed, including conflicts of interest, confidentiality, misleading and liability. It also examines the legal implications for consulting firms and their clients, highlights some of the most significant court cases that have had an impact on the industry.

## Methods and materials

The research methodology covers the application of general scientific, special and private scientific methods of cognition. The first include dialectical methods of cognition, analysis, synthesis, induction, deduction, and the second - comparative legal and system analysis. Methods of modeling and forecasting of the studied civil law phenomenon, consulting contracts were also used. There are several methods of legal research that are used to search for relevant legal information. For example, the method of statutory research involves the study of statutes or laws that have been adopted by the legislature. In Uzbekistan, the legal framework of consulting services is mainly regulated by the Civil Code (Articles 703-708), the "Law of the Republic of Uzbekistan on Tax Consulting activities", the "National Standard of information and consulting services in the real estate market", etc.

These rules establish the requirements and procedures for obtaining a license to provide consulting services. To obtain a license, a consulting organization or an individual consultant must meet certain criteria, such as having the appropriate education, professional experience and a good reputation. The Law also regulates relations between consulting organizations or individual consultants and their clients. This requires that consulting contracts be concluded in writing and include specific provisions on the scope of services, fees and payment terms, obligations of both parties, confidentiality of information and the consultant's liability for any damage caused to the client.

In addition, the law establishes ethical and professional standards that consultants must adhere to in their work. These standards include honesty, integrity, objectivity, confidentiality and competence. Consultants are also prohibited from engaging in activities that may lead to a conflict of interest or harm the interests of their clients.

In addition, the law provides for the creation of a self-regulatory organization of consulting services, which is responsible for monitoring and ensuring compliance with legal and ethical standards in the industry. A self-regulating

organization authorized to issue professional standards, rules of conduct and codes of ethics for consultants, as well as to investigate complaints and impose disciplinary measures for violations. Legal regulation of consulting services in Uzbekistan is aimed at ensuring that these services are provided professionally, ethically and transparently, and clients are protected from unscrupulous or incompetent consultants. By complying with legal requirements and standards, consulting organizations and individual consultants can gain the trust of their clients and contribute to the development of a thriving consulting industry in Uzbekistan. It is important to use a combination of these methods to have a complete understanding of the legal issue we are investigating.

The services provided and the work performed may also be objects of civil law. As H.H.Rakhmankulov noted, works and services are included in the composition of material goods. But I.B.Zokirov says that if an action is performed to create a material result, then the relationship is evaluated as a job (contract), and the absence of such an action as a goal is called a service. This is also the reason that the work is being done and the service is being rendered.

However, in most countries of the world, the legal regulation of this activity is not the same as in our country, some of them require consultants to obtain licenses and certificates before they can legally offer consulting services. The purpose of this requirement is to ensure that consultants have the necessary knowledge, skills and professional ethics necessary to provide high-quality consulting services. Licensing and certification also protect customers from fraudulent activities and unprofessional practices.

For example, in the United States, consultants are required to obtain a certificate from the Institute of Management Consultants (IMC) or other recognized professional consulting organizations. In the United Kingdom, consultants must register with the Association of Management Consultants (MCA) to offer consulting services.

Consultants often deal with confidential information, including trade secrets, financial

data and employee information. Therefore, they are required to adhere to strict data protection and confidentiality rules to ensure the privacy and confidentiality of their customers' information.

Many countries also have data protection regulations, such as the EU General Data Protection Regulation (GDPR), which govern how consultants process personal data collected from their clients.

Professional consultants are expected to adhere to high ethical standards and adhere to ethical principles when providing their consulting services. Legal norms often require consultants to comply with ethical standards to ensure that clients receive unbiased and objective advice.

Sukhanov E.A. also notes that the main difference between service obligations and contractual obligations is the result of the activities carried out by the service provider.

For example, the International Council of Management Consulting Institutes (ICMCI) has developed a code of ethics that professional consultants should follow worldwide. The Code of Ethics includes principles such as integrity, confidentiality, professionalism, competence and fairness. Legal regulation of consulting services is important for the promotion of professionalism, integrity and ethical standards in the industry. It protects customers from fraudulent and unprofessional actions by setting standards for licensing, certification, data protection and ethical principles. Professional consultants must comply with these legal requirements in order to provide high-quality services that benefit their clients.

As enterprises strive to remain competitive and stay ahead of competitors, there is a growing need for expert consultants who are well versed in various business functions. Consulting services are a vital component for any company planning to expand its activities or solve specific tasks from a professional point of view. However, in order for the consulting service to be effective, it is important to take into account the legal consequences associated with the involvement of a consultant.

When hiring and attracting consultants, numerous legal aspects must be taken into account. Failure to comply with these legal

requirements can lead to problems ranging from fines and penalties to lawsuits. Therefore, it is extremely important to understand the legal aspects of consulting services before hiring a consultant.

One of the key legal aspects of consulting services is the need to conclude clear and concise contracts. Consulting contracts should clearly indicate the scope of work, expected results, project deadlines, fees and any other terms and conditions necessary for the successful completion of the project. The contract must also specify the obligations of the client and the consultant, as well as any confidential or proprietary information that the consultant may encounter in the course of his work.

Another legal aspect to consider when hiring a consultant is intellectual property rights. A consulting service may include the creation of intellectual property, such as software, design, or reports. Prior to the consultant's work, a clear agreement must be concluded with a detailed description of who will own and have the right to use any intellectual property obtained as a result of the provision of consulting services. Consultation agreements should also specify who will bear the costs of obtaining intellectual property rights and compensation for damages in the event of infringement of intellectual property rights.

Consultants may also have to navigate regulations and laws applicable to their particular industry, such as data protection laws, antitrust laws and environmental regulations. Consultants should be aware of any compliance requirements required for their clients' activities and adapt quickly to relevant regulations and laws, ensuring that they comply with them regardless of changing circumstances. A contract for the provision of consulting services is one of the most common legal documents used in business. It is an agreement between the client and the consultant defining the conditions for the provision of consulting services. In Uzbekistan, the contract for the provision of consulting services is also subject to legal regulation to ensure the quality and reliability of services, as well as to protect the interests of clients.

The legal regulation of the contract for the provision of consulting services in Uzbekistan is carried out in accordance with the law "On Information and Consulting Services", adopted in 2002 and amended in 2017. The Law defines consultant services as "professional services provided by a consulting organization or an individual consultant to a customer on a paid or contractual basis, aimed at solving specific tasks in the field of management, finance, taxation, law, marketing, advertising, information and other areas."

The Law establishes the requirements and procedures for obtaining a license to provide consulting services, which is issued by the Ministry of Justice of Uzbekistan. To obtain a license, a consultant must meet certain criteria, such as having the appropriate education, professional experience and a good reputation. The license is valid for five years and can be renewed upon expiration.

The law also regulates the relationship between consultants and their clients. It requires the conclusion of contracts for consulting services in writing and the inclusion in them of specific provisions on the subject of services, prices and payment terms, obligations of both parties, confidentiality of information and liability of the consultant for any losses caused to the client.

In addition, the law establishes ethical and professional standards that consultants must follow in their work. These standards include honesty, decency, objectivity, confidentiality and competence. Consultants are also prohibited from engaging in activities that may create a conflict of interest or harm the interests of their clients.

The law also provides for the creation of a self-regulatory organization (SRO) for consulting services, which is responsible for monitoring and compliance with legal and ethical standards in the industry. The SRO has the right to establish professional standards, rules of conduct and ethical codes

Consultants in Uzbekistan must also comply with the requirements of the law "On Consumer Protection", which guarantees the rights of clients to quality services, as well as the right to appeal to public authorities in case of violation of these rights.

In addition, there is regulation of consulting services in the field of taxation and accounting in Uzbekistan, carried out by the tax authorities and the Ministry of Finance. To provide consulting services in these areas, consultants must also have an appropriate license and comply with the norms of tax and accounting legislation.

Consultants must also comply with the requirements of the law "On Protection of Competition", which prohibits monopolistic activity and abuse of a dominant position in the market. This means that consultants should not hinder competition in the consulting services market and should not use their dominant position to gain undue advantages.

In general, the legal regulation of the contract for the provision of consulting services in Uzbekistan is aimed at providing high-quality and reliable services, as well as protecting the interests of clients. Consultants who comply with legal requirements and ethical standards can earn the trust and respect of their clients, as well as contribute to the development of a thriving consulting industry in Uzbekistan.

Additionally, it can be noted that the legislation of Uzbekistan establishes certain requirements for the qualification of consultants. Thus, consultants providing services in the field of taxation must have appropriate education and work experience in this field. Consultants providing services in the field of jurisprudence must have a higher legal education and work experience in this field.

In addition, there is regulation of consulting services in the field of health care in Uzbekistan, carried out by the Ministry of Health. Consultants providing services in this area should have appropriate education and work experience in medical institutions.

It is also worth noting that there are a number of professional associations and organizations in Uzbekistan that are engaged in the development and regulation of the consulting industry. Thus, the Uzbek Association of Consultants (Uzbekistan Association of Consultants, UAC) provides training for consultants, conducts certification and attestation, and also develops professional standards and codes of conduct.

Finally, it is worth noting that consultants in Uzbekistan may face a number of problems and challenges. These include limited access to information, a low level of business development in some industries, insufficient qualifications and professionalism of consultants, as well as a weak legal system and insufficient compliance with rules and laws. However, with the right approach and compliance with the rules and requirements of the legislation, the consulting industry in Uzbekistan has great potential for development and prosperity.

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