

Legal Aid and Confidentiality: Influence on Trust and Effectiveness

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Abstract: The article examines the current state and development of legal aid systems, focusing on their diversity and importance for ensuring fair justice. The author analyzes current legal reforms, the influence of the legal profession on the protection of citizens' rights and the problems of accessibility of legal assistance. The main attention is paid to the legal guarantees enshrined in the Constitution of the Republic of Uzbekistan and the introduction of the institution of free legal assistance, which played a key role in strengthening the rule of law and increasing citizens' confidence in the judicial system. International standards and their impact on legal practice, including attorney-client privilege, are also discussed. Important aspects of ensuring the right to legal assistance and professional conduct of lawyers are discussed. The article emphasizes the need for continuous improvement of legal aid systems to ensure equal access to justice and improve the quality of legal support. The conclusion of the article contains recommendations for improving existing practices and eliminating barriers to obtaining qualified legal assistance.

Key words: legal assistance, advocacy, justice, accessibility of justice, free legal assistance, attorney-client privilege, confidentiality, international standards, professional ethics, legal guarantees, legal system, effectiveness of legal assistance.

Modern society is experiencing constant legal changes affecting all aspects of citizens' lives. Despite significant improvements in legislation and justice, many continue to face problems requiring legal intervention. In this context, the issue of accessibility and effectiveness of legal assistance is especially relevant. The legal profession, as a key element of justice, plays an important role in protecting the rights and interests of citizens, as well as in maintaining law and order.

Guarantees of fair justice, such as the right to defense, compliance with the principles of competition and equality, are not always fully ensured. This leads to the need for professional legal assistance aimed at judicial protection of the rights and interests of citizens, as well as at preventing abuses by officials who violate the rights of participants in the process.

Since gaining independence, Uzbekistan has been striving to create a democratic state governed by the rule of law, paying special attention to the protection of individual rights and freedoms. Article 29 of the Constitution of the Republic of Uzbekistan, adopted in a new edition in 2023, establishes the right to receive qualified legal assistance [1]. In cases provided for by law, legal assistance is provided at the expense of the state. The institute of free legal assistance, introduced in Uzbekistan, played a key role in strengthening the rule of law. This institution provided more effective protection of the rights and interests of both individuals and legal entities. His activities contributed to increasing citizens' confidence in the judicial system and the legal profession, which is an important step towards ensuring fair justice and compliance with the principles of the rule of law. As a result, citizens received more accessible and high-quality legal support, which contributed to strengthening institutional confidence in the country's legal system.

The Bar, which provides professional legal assistance to individuals and legal entities, is an integral part of the judicial protection of the rights and interests of the individual. Every person has the right to the assistance of a lawyer of his choice at any stage of the criminal process, and in the case of

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detention - from the moment of actual restriction of freedom of movement. This right to legal assistance is enshrined at the international level in documents such as the International Covenant on Civil and Political Rights of 1966 [2]. This document, along with other international and regional agreements, creates the basis for the legal regulation of advocacy, emphasizing the importance of providing legal assistance for fair trials. The right to legal assistance plays a key role in ensuring fair and impartial justice, ensuring that all persons, regardless of their social status, have equal access to the legal system and the opportunity to protect their rights.

In addition to international standards, national legislation establishing the right to legal assistance plays an important role in the overall structure of legal regulation of advocacy. It sets standards for the professional conduct of lawyers and establishes obligations to protect the interests of clients. These norms help improve the quality of legal assistance and ensure the protection of the rights and freedoms of citizens in the justice process, which is an integral part of a democratic society and the rule of law.

What is legal aid?

Legal assistance is a professional activity carried out by qualified human rights defenders and specialists aimed at providing legal services, which include the development and implementation of legal strategies, representation of clients in legal proceedings, and advice on legal and legal issues. This activity ensures access to justice, promotes the implementation and protection of subjective rights and legitimate interests, supports the rule of law and promotes law enforcement within the framework of established norms and standards. Legal assistance is based on the principles of legal ethics, professional standards and legally established guarantees, which makes it an integral element of the rule of law and a democratic society. Scientist N.N. Minyailenko [3] considers legal assistance as an independent and separate type of legal activity. He emphasizes that this type of activity allows subjects of law to most effectively protect their subjective rights and controversial interests. Minyailenko focuses on the importance of legal assistance as a key tool for individual human rights protection, which confirms its importance in the legal system.

In addition, A.G. Manafov [4] defines the subjective right to legal assistance as a legislatively guaranteed measure of possession of a social good, including legal knowledge, skills and abilities. He emphasizes that legal assistance includes support from the bar, notaries and other organizations, which helps people effectively protect and defend their rights and legitimate interests. Manafov emphasizes that the right to legal assistance is an important social guarantee that promotes access to justice and legal protection for everyone.

Supporting the above opinion, V.L. Kudryavtsev [5] focuses on the professional nature of this activity, emphasizing the importance of the qualifications and competence of those who provide legal assistance to ensure its effectiveness and reliability.

While agreeing with each opinion, it should be noted that in general, legal assistance is critical to the functioning of the legal system. It ensures access to justice, promotes the protection of the rights and legitimate interests of citizens and is the basis of fair justice. The support of qualified specialists and legislative guarantees are necessary for the effective functioning of this system.

Rights to legal counsel are fundamental to the functioning of justice. They ensure the fairness and impartiality of the judicial process, giving each person the opportunity to protect their rights and interests in court. Regardless of social or economic status, those prosecuted have equal access to qualified legal support, which promotes trust between citizens and the legal system, and strengthens the rule of law in society.

What is the relationship between legal assistance and confidentiality?

Confidentiality of attorney communications (attorney Client - privilege is a legal doctrine in the United States that protects information transmitted between a client and an attorney from disclosure to third parties and from use in legal proceedings . United States Bar Code of Professional Ethics (Model Rules of Professional Conduct) of the American Bar Association (ABA) includes Rule 1.6 [6], which



mandates the protection of confidential information . In the UK, a similar doctrine is known as " legal professional privilege " which includes " legal advice privilege " and " litigation privilege " .

Qualified assistance from a lawyer is ensured by various mechanisms , including the principle of attorney-client privilege and the possibility of bringing lawyers to disciplinary liability .

In the Republic of Uzbekistan, confidentiality is ensured by attorney-client privilege , which is the obligation of a lawyer to keep secret any information received from a client in the process of providing legal assistance . This obligation covers all information provided by the client as well as information obtained by the lawyer in the course of his work , including any results of legal research and advice .

According to Paragraph 22 of the Basic Principles concerning the Role of Lawyers, states recognize and ensure the confidentiality of all communications and consultations between lawyers and their clients that occur within the framework of their professional relationship [7]. Lawyers are required to follow professional standards and codes of ethics that require the protection of client confidentiality. According to Section 13 of the International Code of Legal Ethics, lawyers are prohibited from disclosing information received from their clients, even after completion of legal advice, unless such disclosure is ordered by a valid court order or required by law.

It follows that the importance of confidentiality in legal assistance is that it forms the basis for the formation of trust. Confidentiality is the basis of trust between lawyer and client. Principals must be confident that their information will not be disclosed without their consent. This trust encourages more open and honest communication, which in turn allows the lawyer to provide more effective legal assistance. From the point of view of a lawyer's work, maintaining attorney-client privilege increases efficiency. Confidentiality allows the lawyer to obtain complete and accurate information from the client, which is necessary to develop the most effective defense strategy. Lack of information can lead to inadequate legal assistance and, as a result, to a violation of the rights of the principal.

From the point of view of public order, it must be remembered that compliance with attorney-client privilege is a requirement of the Rules of Professional Ethics of Lawyers in the Republic of Uzbekistan. Violation of this norm may lead to disciplinary measures, including deprivation of the license to practice law . Unlike the practice of the Republic of Uzbekistan, in many foreign countries, violation of confidentiality specifically in the practice of law leads to other legal consequences - administrative or criminal liability.

Confidentiality, or attorney-client privilege, is the cornerstone of effective legal assistance. It promotes the establishment of a trusting relationship between lawyer and client, ensures the collection of complete and accurate information necessary for quality legal support, and meets the highest ethical and professional standards. A breach of confidentiality can lead to serious professional and legal consequences, eroding confidence in the legal profession and violating the rights of clients. In addition, compliance with legal norms is fundamental for the effective implementation of the right to qualified legal assistance. In order to increase the efficiency of legal practice, it is proposed to develop a system of self-government, increase the number of lawyers, continue digitalization and improve the quality of legal services provided. The diversity in approaches to providing legal assistance in different countries reflects the complexity and versatility of this area. Such differences may be caused by the historical, cultural, economic and legal characteristics of each country. However, the main goal of legal aid systems remains unchanged - to ensure access to justice and effective protection of the rights and interests of all citizens.

Improving the legal aid system requires continuous analysis of existing practices, the introduction of innovative approaches and the removal of barriers that may limit access to legal protection. It is necessary to create conditions under which every citizen, regardless of his social status or financial capabilities, can receive qualified legal assistance and exercise his rights in full. This not only strengthens the legal system, but also helps create a more just and equal society.



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