
GENERAL BASICS OF LEGAL ASSISTANCE PROVIDED BY A LAWYER IN CRIMINAL CASES

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Annotation: this article details the general basis for providing legal assistance by a lawyer in criminal cases, analyzing the essence of the concept of legal assistance, the functions of a lawyer's activities and the basis for his or her employment to participate in a criminal procedure.

Keywords: lawyer, "advocare", "advocatus", qualified legal aid, suspect, defendant, defendant, indictment, defense, case handling, assistance with a fair trial, etc

The legal profession is one of the professions that has been in operation for more than two thousand years. Its origin dates back to ancient Greece in world history, and its development continues from the time when the Roman Empire ruled to our day.

The Latin word for "lawyer" is derived from the Latin word for "advocare," that is, "calling, asking for help." From this word, the term "advocatus" was later coined, which means "advocatus," which means a person who helps to protect human interests on or on this side of Roman legal proceedings.

Law of the Republic of Uzbekistan "On Legal Affairs" (1996) Article 3 stipulates that a citizen of the Republic of Uzbekistan who has a higher legal education and receives a license authorizing him to engage in advocacy activities in accordance with schedule may be a lawyer in the Republic of Uzbekistan. This means that in order to obtain the status of a lawyer, the person must have a license authorizing him to engage in advocacy activities. Article 31 of this Law establishes the order in which a person obtains a license and the requirements for a license. According to him, an applicant who is licensed in accordance with the established procedure must take the oath of office of a lawyer within three months and form a legal structure or enter one of the operating legal entities in a single order or with other licensed persons.

It should also be noted that obtaining a license authorizing you to engage in advocacy activities does not mean that a person should have the authority of a lawyer. This means that he is not yet considered a participant in the criminal procedure and is not allowed to get to work. In accordance with Article 31 of the aforementioned Law, he or she will receive the status of a lawyer, regardless of the day the applicant is issued a lawyer's license by the judiciary.

Resolution 17 of December 19, 2003 of the United Nations High Commissioner for Refugees (UNHCR) establishes that persons who have obtained a license authorizing them to engage in advocacy



activities in accordance with the established procedure: the jury of lawyers, the lawyer's firm, and those who are members of the bureau are considered lawyers.

In summarizing the aforementioned ideas, our country has sufficient knowledge and experience in legal expertise to provide all types of legal assistance to individuals, both physically and physically, with the appropriate permission of the judiciary in the results of the transfer of qualification exams, and advocate their professional activities in accordance with the law in one of the structures of the Republic of Uzbekistan.

At the same time, the term "lawyer" is derived as a nature and manifestation of the work of a lawyer. As defined in Article 116 of the Constitution of the Republic of Uzbekistan, a lawyer works to provide legal assistance to citizens, corporations, institutions and organizations. The establishment of this standard in our Basic Law is characterized as the legal basis for the work of a lawyer in obtaining qualified legal assistance, namely, protecting the rights and legal interests of individuals. This means that the content of advocacy activities consists of providing legal assistance. In understanding the essence of the concept of legal assistance, first of all, you will need to analyze the following:

1) The content of the right to qualified legal assistance;

2) Scope of qualified legal entities;

3) The person who provides qualified legal assistance.

The right to qualified legal assistance. The Constitutional right of each person to qualified legal assistance is, in its essence, the subjective right of a person in the form of a legal measure of his/her possible actions in accordance with the law. This right reflects not only the right to know their rights and use legal norms to achieve their goal, but also the right to reveal the meaning of regulatory documents. This right is intended to adequately interpret the law and make legally correct, legal decisions. Such decisions, on the other hand, can be made and explained only by a professional lawyer.

Persons who receive qualified legal assistance. According to the Constitution of the Republic of Uzbekistan, everyone has the right to receive qualified legal assistance. To assist individuals desiring to benefit the worldwide work of Jehovah's Witnesses through some form of charitable giving, a brochure entitled Charitable Planning to Benefit Kingdom Service Worldwide has been prepared. The Constitution of the Republic of Uzbekistan defines not only the right to protection of those convicted of crimes, but also pays special attention to the guarantee of this right. In the criminal procedure, the Institute of Protection is represented in the actions of the suspect, defendant and defendant as a defensive side to deny guilt or suspicion of committing a crime, to advance that the crime is intrect, and to soften responsibility.

The principle of providing the suspect, defendant and defendant with the right to protection is set out in Article 24 of the Criminal Procedure Code of the Republic of Uzbekistan. According to him, the suspect, the defendant and the defendant have the right to be protected. The right to protection is obliged to take steps to explain the rights granted to the investigator, the investigator, the prosecutor, the suspect, the defendant and the defendant given to him and to have a real opportunity to use all the tools and methods provided for by law to protect him from the charges against him.



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From the content of this standard, it can be said that those entitled to qualified legal assistance by the defender are suspects, defendants, and defendants. The right to protection cannot exist without the guarantee of its implementation. Therefore, the legislature obliges government agencies and officials who initiate the criminal procedure to provide the defendant with the opportunity to be protected using legal means and means from the announced indictment.

At the same time, it should be noted that the implementation of a person's constitutional right to receive qualified legal assistance will be complicated in the process of conducting criminal proceedings. We can see this complexity in the following:

- 1) *the right to receive qualified legal assistance in criminal procedure law is not directly regulated;*
- 2) *procedural law does not define the concept and content of legal assistance in criminal cases;*
- 3) *Among the participants in the criminal procedure, there is no lawyer who has the appropriate procedural rights to provide qualified legal assistance to those who do not apply the activities of a lawyer-defender and a lawyer.*

The person who provides qualified legal assistance. As a qualified legal aid provider, a lawyer is represented. Indeed, a qualified lawyer is a lawyer. Article 5 of the Law of the Republic of Uzbekistan "On Legal Affairs" defines that a lawyer provides legal assistance to individuals, both physically and physically:

- ✓ provides advice and explanations on legal issues, oral and written information on the legislation;
- ✓ draws up applications, complaints and other documents of legal nature;
- ✓ represents civil, economic and administrative cases and cases of administrative offenses in court, other government agencies, before individuals and legal entities;
- ✓ participates in criminal investigations, preliminary investigations and trials as a defender, a representative of the victim, a civil plaintiff, a civil liability;
- ✓ provides legal services to business activities;
- ✓ performs representation in arbitration court and international commercial arbitration (court);
- ✓ provides other types of legal assistance that is not prohibited by law.

The participation of a lawyer in the criminal procedure is carried out in the following ways:

- 1) suspect, defendant and defender of the defendant;
- 2) the victim, the civil plaintiff and the representative of the civil defendant;
- 3) the lawyer of the witness.

The participation of a lawyer as a suspect, defendant and defender of a criminal procedure is allowed after he or she has displayed a lawyer's certificate and has submitted an order confirming that he is authorized to pursue a particular case.



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The defender's participation in the case is allowed at any stage of the criminal procedure, and when an individual is caught, from the moment his right to freedom of movement is limited in practice. The defender is invited by the suspect, the defendant, the defendant, their legal representatives, as well as others at the request or consent of the suspect, the defendant, the defendant.

At the request of the suspect, the defendant, the defendant, the investigator, the prosecutor, or the court ensure that the defender is involved in the case.

A representative of the victim, the civil plaintiff, and the civil defendant is the basis for the lawyer's participation in the case.

As the witness's lawyer, the lawyer's participation in the case is placed regardless of the time the witness was called, after he or she has shown his or her lawyer's certificate and has submitted the warrant.

As a lawyer participates in the criminal procedure as a suspect, defendant and defendant's guardian, victim, civil plaintiff and civil defendant representative, and lawyer for the witness, his functions are as follows:

- ❖ charge;
- ❖ protection;
- ❖ solving the case;
- ❖ assistance in a fair trial.

The function of the indictment in the activities of the lawyer is reflected in his activities as a representative of the victim and the civil plaintiff. In this way, the lawyer seeks and acts to identify the person who committed the crime, to receive appropriate punishment, and to address the negative material consequences of a socially dangerous act.

His defensive function, on the other hand, is reflected in his activities as a defender. Because the main purpose of the lawyer's work as a defender is to justify and rehabilitate the person under his protection, or to ease his or her responsibility and punishment.

The function of solving a case in the activities of a lawyer is reflected in his provision of qualified legal assistance to a civil defendant. Because a civil liability officer expects a lawyer representing him to protect his property interests because he must cover damages caused by a crime.

At the same time, it should be noted that as a lawyer enters into the case as a defender, he seeks to establish the truth about the case in order to protect the rights and interests of the person under his protection. His desire, on the other hand, is demonstrated in his place in a way that promotes the work of a fair trial. After all, the defender is one of the parties that benefits from the outcome of the case in the criminal procedure. As a result of this interest, it actively carries out its activities.

Now that the process of directly engaging in the work of a lawyer as a defender is interrupted, in accordance with Section 49 of jpk, the defender's participation in the case is allowed at any stage of the criminal procedure, and when an individual is caught, his right to freedom of movement is restricted from the time it is practically restricted. It should be noted that from the time an individual is caught in



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action, he is recognized as a suspect, even though the arrest statement is drawn up after the person is brought to the police station or other law enforcement agency. It is from the moment the same person is caught in practice that person exercises all the rights of the suspect, including the right to have a defender. As a result, investigations cannot be made against this person without announcing the decision to question him as a witness, engaging him as a suspect, and explaining his rights and obligations. As a result, there is a need for a defender to participate in the work.

The defender is invited to work by the suspect, defendant, defendant, their legal representatives or others at their request or at the consent of the suspect, the defendant, the defendant. In cases where necessary, at the request of these individuals, the defender's participation in the case is ensured by the investigator, investigator, prosecutor and the court. This means that the defender's employment to participate in the criminal procedure is based on two grounds:

- 1. On the basis of inviting the defender to work;*
- 2. Based on the appointment of a defender to work.*

In cases where the selected defender cannot afford to participate in the case within twenty-four hours, the investigator, investigator, prosecutor or court recommends that the suspect, defendant, defendant or their relatives contact the legal entities designated by the regional administration of the Chamber of Lawyers of the Republic of Uzbekistan asking them to invite another defender or appoint a defender. The suspect, the defendant, the defender chosen by the defendant has the right to take part in the case at any time. Participation of a lawyer in the case is allowed only after he or she has issued a lawyer's certificate and has submitted a warrant confirming his authority to pursue a particular case.

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