



## ENSURING HUMAN RIGHTS BY IMPROVING THE LEGAL PROFESSION

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### **Abstract:**

The new development strategy of Uzbekistan envisages the effective organization of independent advocacy activities. Protecting the rights, freedoms and legal interests of citizens in judicial and investigative activities is an urgent task today. In this regard, the "Concept of Independent Advocacy" should be developed and put into practice. At all stages of the investigation and trial, the role of the lawyer should be increased, the independence of the bar institute, the effective protection of the rights and legal interests of lawyers should be ensured. The main purpose of writing this article is to ensure that lawyers provide timely and quality qualified assistance to citizens by improving the Institute of Advocacy in Uzbekistan.

**Keywords:** advocacy, legal aid, human rights, legality, independence, self-management, modern information and communication technologies, concept of independent advocacy, digital advocacy.

The goal of ensuring the interests of people, their rights and freedoms is embodied in the center of politics run by President Shavkat Mirziyoyev. In recent years, in our country, a large-scale effort aimed at providing reliable guarantees of protection of the rights and freedoms of citizens, first of all, from criminal aggression, as well as to prevent discrimination of a person, his honor and dignity, and limitation of his legal interests things are being done consistently. As stated in the book "Development Strategy of New Uzbekistan" by the head of our state, "The Development Strategy of New Uzbekistan envisages the effective organization of the independent legal profession. Protecting the rights, freedoms and legal interests of citizens in judicial and investigative activities is the most important task today."

The 19th goal of the development strategy is to "fundamentally increase the capacity of the Bar Institute to protect human rights, freedoms and legal interests, as well as fully satisfy the demand of the population and business entities for qualified legal services."

To achieve this priority goal, the following tasks are defined:





first, to transfer the bar institute to a full-fledged self-management system and to attract young qualified personnel to the bar;  
secondly, to strengthen the accountability of the governing bodies of the Chamber of Advocates to the community of lawyers;  
thirdly, formation of the modern and institutional basis of the lawyer training system;  
fourthly, digitalization of advocacy activities. In other words, to put an end to excessive bureaucracy and red tape by introducing modern information technologies to advocacy activities, to establish the exchange of electronic documents with courts, law enforcement bodies and other state bodies;  
fifthly, it is envisaged to expand the scope of free legal assistance.

In order to improve the institution of advocacy in our republic as an important component of the legal system, programs aimed at increasing the participation and importance of lawyers in the consideration of criminal, civil, administrative and economic cases, as well as ensuring the guarantees of reliable protection of the rights, freedoms and legal interests of individuals and legal entities is being implemented. The legal framework necessary for lawyers to successfully carry out their professional activities is being consistently formed, and the system of providing legal assistance and legal advice services is being improved.

To date, the status of the legal profession has been further strengthened in the newly revised Constitution, and a separate Chapter 24 entitled "Law Firm" has been added. At this point, if we analyze the provisions related to the legal profession defined in the newly revised Constitution, the legal profession operates to provide qualified legal assistance to individuals and legal entities in accordance with Article 141 of the Constitution.

Advocacy activities are based on the principles of legality, independence and self-management.

The procedure for the organization of the Bar Association and its activity is determined by law.

In this article, the activities of the legal profession are based on the principles of legality, independence and self-governance at the level of the Constitution. In this case, the legality of the lawyer's activity means that the lawyer's activity is carried out only in strict compliance with the law.

According to Article 5 of the Law of the Republic of Uzbekistan "On Guarantees of Advocacy and Social Protection of Lawyers", the independence of a lawyer: granting him permission to practice law, suspension and termination of this activity,

lawyer's immunity;

prohibiting the requirement to disclose the lawyer's secret;





responsibility for interfering with the lawyer's work or violating the lawyer's privacy; provided by the state through the provision of legal guarantees and social protection. According to Article 142 of our Constitution, it is not allowed to interfere with the activity of a lawyer while he is performing his professional duties.

Conditions for the lawyer to meet with the person under his protection without obstacles and to give advice are provided.

A lawyer, his honor, dignity and professional activity are under the protection of the state and are protected by law.

The strengthening of non-interference in the lawyer's professional activity at the constitutional level serves as an important factor in creating a strong legal system. This provision is a constitutional expression of the idea that "no office shall interfere with the activities of lawyers". This norm ensures that the lawyer enters into an equal discussion with the prosecutor during the court proceedings, and as a result of not interfering with the activities of collecting and presenting evidence in the case, the legal status of the bar is strengthened.

Freedom in advocacy and elimination of any obstacles not only eases the lawyer's work, but also ensures the legal rights and interests of the person whom the lawyer protects.

It should be recognized that the many changes made to the Constitution, especially the innovations in the field of "Advocacy" have pleased the lawyer community of our country. Because the legal status of the legal profession and advocacy activities is defined in a separate chapter of our Constitution, it means that the position of lawyers in society is being raised to a higher level.

At the same time, in the new version of our Constitution, the lawyer, his honor, dignity and professional activity are protected by the state, and the status of lawyers as an important person who ensures justice has been strengthened by a document with high legal force at the level of the Constitution.

A number of other important documents are being developed in our country to increase the capacity of the legal institute. In my opinion, one of them is the need to develop the Code of Advocacy. All laws and normative legal documents related to the field should be embodied in this code.

The legal basis of the legal service sector is also being improved. In particular, drafts of the laws "On the contractual legal framework and legal service" and "On free legal aid", as well as the concept of comprehensive legal protection of the population are being prepared.

Intensive work is being done on the preparation of the concept of an independent legal profession. The concept, in particular:





-- Strengthening the role of the lawyer in protecting the rights, freedoms and legal interests of citizens at all stages of the investigation and trial;

-- To further improve the activities of the Chamber of Advocates, to ensure its literal independence, to transfer the legal institute to a fully self-management system, to increase the accountability of the governing bodies of the Chamber of Advocates to the community of lawyers, to introduce young and qualified professionals to the system attraction

-- includes tasks in the main areas such as the development of "digital advocacy".

The following tasks are being implemented for the development of Digital Advocacy in our country:

firstly, introduction of modern information and communication technologies to advocacy activities;

secondly, to establish an electronic exchange of information between the legal profession, court and law enforcement bodies, and other state bodies in order to ensure the rapid acquisition of information necessary for the implementation of advocacy activities;

thirdly, to expand the possibilities of providing online legal assistance to individuals and legal entities by lawyers through a special information program;

fourthly, it is important to note that it is necessary to create information systems, databases and other software products necessary for the activities of the legal profession and to ensure comprehensive protection and confidentiality of the information stored in them.

It is very important to introduce modern information and communication technologies to the Advocacy system in Uzbekistan. Consequently, the new steps in this regard allow to increase the independence of the legal institute from state bodies and other structures by eliminating the human factor in the system's operation.

Advocacy is not a state body, but a community of skilled professionals who know their work well and deeply understand the responsibility of their duties. In this sense, I would like to put forward the following suggestions:

firstly, Advocacy Day - setting the date of the professional holiday of representatives of the lawyers' community;

secondly, establishment of the badge "The best lawyer";

thirdly, to create a comprehensive, open and reliable source of information, which will be useful not only for citizens, but also for law enforcement agencies and courts, through the creation of the "Unified State Register of Lawyers"

fourth, strengthening the training of lawyers and the issue of staff shortage





fifthly, special importance should be given to issues such as the training of lawyers in higher educational institutions in the field of law, the introduction of the "Law of Advocacy" training course, and the organization of internships for students in the field of advocacy.

In short, the 1996 Law on Advocacy was the most comprehensive law regulating the practice of lawyers for more than 20 years and remains so. The biggest problem in the field is that from the day the law was adopted until today, its implementation has not been sufficiently ensured, and the disrespectful attitude of the employees of the judicial and legal sector to the person of a lawyer has extinguished the interest of future personnel to take up this profession, and they are only interested in the profession of prosecutors and judges. caused an increase. In my opinion, a lawyer is a person who performs one of the main roles in the judicial process. . According to the current law, lawyers are hired to provide free legal aid by the state only for criminal cases. In my opinion, I would suggest providing a lawyer to provide free legal services not only in criminal court cases, but also in economic, administrative and civil cases.

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