



PROFITABILITY OF THE INSTITUTE OF ADVOCACY IN OUR COUNTRY
AND THE CONCEPT OF THE INSTITUTE OF ADVOCACY

Azbergenova Munira

Student of Karakalpak State University muniraazbergenova5@gmail.com

Abstract: *In this article, the history of the advocacy institute in our country, the summary and main features of the advocacy institute are explained. Also, the decrees and decisions adopted for the development of the legal profession in our country have been organized and analyzed to a certain extent. At the same time, the opinions of a number of scientists in this field have been studied.*

Key words: *institution of advocacy, lawyer, lawyer's legal status, advocacy structures, legal aid, constitution, law.*

To raise the improvement of the human rights protection system in our country to a new level, to reliably protect the rights and interests of the individual, to increase the authority and procedural status of lawyers at all stages of criminal proceedings, to ensure the protection of the rights and interests of citizens in the activities of courts and law enforcement agencies, to protect the rights of citizens measures are being taken to strengthen confidence in the system.

As we all know, the role of a lawyer in protecting human rights and interests around the world is gaining importance. Today, the International Bar Association, which unites more than 80,000 lawyers and more than 200 bar associations, as well as about 170 legal societies, aims to support the professional activities of lawyers without external interference [1].

Today, many efforts are being made by all UN member states to expand the rights of defenders.

President Shavkat Mirziyoyev, in his speech at the solemn ceremony dedicated to the 27th anniversary of the adoption of the Constitution of the Republic of Uzbekistan, emphasized the need to raise the provision of human rights to a new level by improving the advocacy institute. He also mentioned that a number of works have been carried out to expand the powers of lawyers, that in the near future it is necessary to develop the concept of the development of the legal profession, that no office should hinder the activities of lawyers, that the advanced experience of developed countries should be comprehensively studied in this regard [2]

In all the developed countries of the world, issues related to the legal status of advocacy structures and self-governing bodies are of urgent importance in the improvement of the legal profession. It is recognized by the international community that legal structures and self-management bodies of lawyers play a key and important role in effective protection of human rights and interests in every country. In particular, in the "Basic Principles on the Role of Lawyers" adopted at the Eighth UN Congress on Crime Prevention and Dealing with Offenders, it is noted that the improvement of the legal profession is one of the primary conditions for democratic legal development [3].



In our republic, a number of purposeful measures have been implemented to radically increase the effectiveness of the bar institute, to ensure the independence of lawyers, to strengthen the legal status of advocacy structures and self-management bodies of lawyers, and to create the necessary legal framework for lawyers to perform their professional activities.

In particular, the President of the Republic of Uzbekistan No. PF-5441, adopted on May 12, 2018, "On measures to radically improve the effectiveness of the Bar Institute and expand the independence of lawyers", On May 14, 2018, PQ-3723 "On measures to radically improve the system of criminal and criminal procedural legislation", as well as PQ-4551, adopted on December 13, 2019, "On measures to ensure the Constitution and the rule of law, to strengthen public control in this regard, and to improve legal culture in society", Adopted on August 10, 2020 "In judicial investigation activities further guaranteeing the protection of the rights and freedoms of the individual on strengthening measures" No. PF-6041, Implementation of the tasks defined in the Decree No. PF-60 "On approval of the development strategy of New Uzbekistan for 2022-2026" adopted on January 28, 2022 serves to create a legislative base in this area to a certain extent.

One of the most significant initiatives implemented in our country is related to the determination of the norm guaranteeing the legal status of lawyers in our updated Constitution and the addition of a chapter on the new Advocacy to our Constitution. Nowadays, chapter XXIV of our Constitution is Legal profession[4].

Pursuant to Article 141 of our Constitution, "Legal profession shall operate to provide professional legal assistance to individuals and legal entities. The activity of Advocate's office shall be based on the principles of legality, independence and self-government. Organization and procedure for the work of the Legal profession shall be specified by law".

In Article 142 of our Constitution, Interference in the work of an Advocate in the exercise of its professional duties shall not be permitted. Advocates shall be ensured the conditions for unimpeded and confidential meetings and consultations with their client. An advocate, his honour, dignity and professional activity shall be under the protection of the state and shall be protected by law.

Reference to historical sources shows that the legal profession dates back to ancient Rome, but the term "lawyer" was first used in the early 18th century to refer to parties' representatives.

For information, it can be said that the first bar association in the territory of Uzbekistan was established as a self-governing structure under the name "Defenders branch" in 1879 in the city of Kokan. It was founded by the initiative of Abdunabi Kuroloy, who studied law in St. Petersburg.

The concept of "lawyer" after our country gained independence it was used for the first time in the Law of the Republic of Uzbekistan No. 349-1 "On Advocacy" dated December 27, 1996 [5].

Pursuant to Article 1 of the Law, Advocacy is a legal institution, which includes independent, voluntary, professional associations of individuals engaged in advocacy and some individuals engaged in private advocacy. According to the Constitution of the Republic



of Uzbekistan, the Advocacy Office provides legal assistance to citizens of the Republic of Uzbekistan, foreign citizens, stateless persons, enterprises, institutions, and organizations.

The term "advocate" has different names in the legislation of foreign countries. For example, the variety of lawyer names in European countries is indicated in Article 1, Clause 2 of Directive 98/5/EC of the European Parliament and the Council of the European Union of February 16, 1998, according to which they are called: "Rechtsanwalt" in Austria, "Avocat/Advocaat/Rechtsanwalt", "Advocate/Barrister/ Solicitor" in Great Britain, "Rechtsanwalt" in Germany, "AiKip/opoc" in Greece, "Advocat" in Denmark, "Barrister/Solicitor" in Ireland, "Abogado/Advocat/Avogado/Abokatu" in Spain, "Avvocato" in Italy, "Avocat" in Luxembourg, "Advocaat" in the Netherlands, "Advogado" in Portugal, "Asianajaja/Advokat" in Finland, "Advocat" in Sweden, "Avocat" in France.

In the explanatory dictionary, the concept of "advocate" is defined as "(in Latin "advocatus", "advocare" - to call for help) a lawyer who provides legal assistance (advice) to the defendant in court, defends the defendant (guilty); It is noted that it means "justifier, protector".

Lawyer F. Fayzullaeva defined the concept of a lawyer as follows: "A lawyer is an independent professional consultant on legal issues" [6].

As noted by the jurists Bahadurbayev M.H. and Toktapkaliyeva O.A.: "Advocacy is the result of the independence of all persons in this society, i.e. the popular society, the society that has emerged as a result of the law and the members of the defense community. The legal status of the advocacy is determined by the state with the support of the government, and the advocacy is a legal institution that provides legal assistance to both physical and legal persons in accordance with the principles of legal autonomy, impartiality, and other democratic principles [7].

In general, a lawyer is a person who, first of all, has chosen a profession that is charged with protecting the rights and freedoms of individuals.

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