



## **ADVOCACY IS IMPORTANT INSTITUTE IN DEFENSE HUMAN RIGHTS AND FREEDOMS**

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<b>Received:</b> December 10 <sup>th</sup> 2022 <b>Accepted:</b> January 8 <sup>th</sup> 2023 <b>Published:</b> February 17 <sup>th</sup> 2023	The article analyzes the issues of ensuring the organizational independence of the bar institute from a scientific and theoretical point of view, and it is scientifically and theoretically based that it is the primary condition for the existence of the bar institute. It describes the principles and guarantees of the legal institute. The role of the Advocacy Institute in the life of the state and society, the fact that it is an integral part of the legal system, as well as scientific-theoretical and practical proposals for ensuring the organizational independence of this institute are given. Also, proposals aimed at improving the legal foundations of the bar institute were put forward.
<b>Keywords:</b> advocacy, advocacy activities, Chamber of Advocates, guarantees of independence, interests of society, qualified legal assistance.	

In recent years, drastic reforms implemented in the judicial system, along with other areas of our country's life, are giving practical results. The main goal is to ensure human rights and freedoms. After all, as stated by the President of the Republic of Uzbekistan, Sh. Mirziyoyev, "justice and the rule of law are the most basic and necessary conditions for building a populist state and ensuring human dignity."

The international community recognizes the main and important role of advocacy structures and self-management bodies of lawyers in effective protection of human rights and interests in every country. In particular, in the "Basic Principles of 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.

In this direction, on the basis of the newly adopted laws, effective concrete mechanisms being introduced, there is no doubt that the important and vital norms defined in the Constitution of the Republic of Uzbekistan have been expressed.

In particular, according to Article 44 of the Constitution of the Republic of Uzbekistan, every person is guaranteed the right to protect their rights and freedoms through the courts, to appeal to the courts against the illegal actions of state bodies, officials, and public associations.

Also, the Constitution of the Republic of Uzbekistan gives everyone the right to receive qualified legal assistance. Ensuring the right to defend the accused is one of the main principles of justice in

criminal cases. In particular, according to Article 116 of the Constitution, the accused is provided with the right to defense. The right to qualified legal assistance is guaranteed at any stage of investigation and court proceedings. The law office provides legal assistance to citizens, enterprises, institutions and organizations. Organization of advocacy and its work procedure are determined by law.

In international standards, for example, based on Article 20 of the Universal Declaration of Human Rights, it is confirmed that "no one can be forced to join any association", while Article 22 of the International Covenant on Civil and Political Rights Article - states that "every person has the right to freedom of association with others". The bar plays a special role in providing legal assistance. Advocacy is the main sign of a legal state that recognizes the rule of law and protects the rights, freedoms and legal interests of citizens and legal entities. The level of legal development of each country is directly related to the place and role of the bar institute in the life of the society. As F.Kenjaev rightly noted, "a country with a developed legal profession is considered a developed and mature country."

The formation of the bar institute in the Republic of Uzbekistan is inextricably linked with the acquisition of state independence. The norms aimed at the protection of human rights and freedoms announced in the Constitution of the Republic of Uzbekistan became a solid basis for the formation and definition of the institution of protection in the Criminal and Criminal Procedure Codes of the Republic of Uzbekistan adopted on September 22, 1994.



In our country, the further reform of the bar institute, the improvement of the bar institute was carried out based on the requirements of international standards. The legal foundations of the Advocacy Institute were strengthened. In particular, the special laws regulating legal profession and relations related to legal profession - Laws of the Republic of Uzbekistan "On Advocacy" of 1996 and "On Guarantees of Advocacy and Social Protection of Lawyers" of 1998 accepted.

The main directions of the reform of the Institute of Advocates were determined by the Decree of the President of the Republic of Uzbekistan No. PF-3993 "On measures to further reform the Institute of Advocates in the Republic of Uzbekistan" adopted on May 1, 2008.

This Decree created an effective centralized system of self-management of the lawyer community, strengthened the requirements for the qualifications of candidates for the position of lawyer, formed an effective licensing system, determined the legal status of the legal profession, and the requirements for the qualifications of persons applying for the status of a lawyer. strengthened.

In accordance with this Decree, the Chamber of Advocates of the Republic of Uzbekistan was established, and it was firmly established that the organization of its activities is based on the mandatory membership of all lawyers.

On December 31, 2008, on the basis of the decree, the law "On amendments and additions to some legal documents of the Republic of Uzbekistan in connection with the improvement of the Advocacy Institute" was adopted, and it is the main legal document for the implementation of the issues specified in the Decree of the Head of our State it has been. In particular, in accordance with the Law, measures to ensure the immunity of lawyers have been strengthened.

A number of legal guarantees of a lawyer's independence in carrying out his professional activities are defined in the Law of the Republic of Uzbekistan "On Advocacy". Professional rights, honor and dignity of a lawyer are protected by law. It is forbidden to interfere in the professional activities of lawyers in any way, to demand from them to report any information received during the performance of their professional duties, as well as to demand such information from officials and technical staff of lawyers' associations. . It is not allowed to influence the lawyer in any way while performing his professional duties.

A lawyer may not be questioned as a witness about the circumstances known to him in connection with the performance of his duties as a defender or representative. It is not possible to seize or examine the documents received by a lawyer in connection with the

performance of his professional duties, as well as to restrict his right to meet with the persons who are providing legal assistance.

The establishment of regional offices of the Chamber of Advocates of the Republic of Uzbekistan and the Higher Qualification Commission and qualification commissions under the Chamber of Advocates became an important factor in ensuring the independence of lawyers in their professional activities. The right to initiate disciplinary proceedings against lawyers, that is, to apply disciplinary sanctions against them.

In general, the legislation of the Republic of Uzbekistan in the field of providing professional legal assistance to persons suspected and accused of committing a crime, as well as in the field of organization of advocacy activities, corresponds to international standards.

Based on this, among the most important priorities in the Strategy of Actions, the tasks of further development of the lawyer's institute, increasing the role of the lawyer in handling criminal, civil, administrative and economic cases are defined.

It should be noted that the adoption of the Development Strategy was an important and necessary document aimed at strengthening and protecting the rights and interests of people and citizens, increasing the quality and level of services provided, and increasing the role of the legal profession.

At the moment, based on the above, advocacy activity can be defined as follows: *advocacy activity is qualified legal assistance provided by lawyers to individuals and legal entities in order to protect their rights, freedoms and interests, as well as ensure access to justice.*

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