



THE ROLE OF THE LAWYER IN A PLEA AGREEMENT.

Mukumova M.Z.

Samarkand State University named after Sharof Rashidov
Professor of the Department of Special Legal Sciences
mmuqimova@list.ru

Shermatova G.

Samarkand State University named after Sharof Rashidov
Teacher of the Department of Special Legal Sciences
Shermatovaguli1@gmail.com

| Article history: | Abstract: |
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| Received: December 24 th 2023 Accepted: January 20 th 2024 Published: February 26 th 2024 | The article describes the concept of the participation of a lawyer in the conduct of criminal cases of a separate category, in particular, in the Proceedings of cases in which an agreement on a confession of guilt is concluded, its characteristics, significance. |
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Advocacy is one of the main and important institutions of civil society and is of particular importance in providing qualified legal assistance to legal entities and individuals. It should be noted that the reforms started in the first years of the Republic's independence in the area of improvement of the legal profession are continuing today. In this regard, it is important to increase the role of the lawyer in special categories of cases together with other areas of the legal profession, to reliably protect the rights and interests of the individual.

During the judicial and legal reform, the scope of activity of certain categories was expanded and now the Criminal Procedure Code of the Republic of Uzbekistan has been replaced by a new chapter 62¹, covering the norms of the "plea agreement", with section 586¹ "A plea agreement is an agreement concluded with a prosecutor considering a motion by a suspect or accused to initiate criminal proceedings against a suspect, consent to prosecution, actively contribute to the disclosure of a crime and eliminate the damage caused in relation to crimes that do not pose a great social risk, less serious and less serious." In the explanatory dictionary of the Uzbek language, it is assumed that "agreement" means an opinion, conclusion, decision, agreement expressed through mutual consultation, "negotiations" - an agreement, as well as compromise, consent, accession, compromise for the sake of one's own interests. So, the agreement in the sense we are interested in is a mutual

agreement between the suspect, the accused and the prosecutor to plead guilty.

According to the law, the grounds for concluding a settlement agreement are:

- submission of a petition for consent by the suspect, the accused;
- the petition was submitted by these persons voluntarily;
- the level of public danger of crimes committed by a person, that is, there must be crimes with a small public risk, not very serious or grave, which in turn indicates that an agreement on the commission of a particularly serious crime will not be concluded;
- the suspect or the accused must confess to the crimes committed; has achieved
- the accused, the suspect must actively contribute to the investigation of the crime;
- the damage caused as a result of the crime is subject to compensation;

The requirement for an agreement is characterized by the fact that it can be submitted at any stage of the inquiry, investigation, and the parties can withdraw from the agreement during the court session.

In the correct, fair and lawful application of these completely new provisions included in the legislation, in this regard, the lawyer's substantial participation is definitely important in protecting the rights and interests of the suspect, the accused, and obtaining high-quality legal assistance.



The purpose of the agreement in this regard is, first of all, to quickly and fully expose crimes, to investigate, to implement the main tasks of criminal procedural law, to protect the rights and interests of people and citizens through the courts, to observe the presumption of innocence and other principles of the criminal process. considers.

As in other directions, the fundamental principles of the right to protection in this area are also established in the Constitution of the Republic of Uzbekistan, including, according to its section 26, the case of each person accused of committing a crime is not considered guilty until the case of each person accused of committing a crime is publicly examined in a court of law and his guilt is determined. All conditions for self-defense are provided to the person accused in the court. Also, the accused is provided with the right to defense and the right to qualified legal assistance is guaranteed at any stage of the investigation and trial. Although there are no separate rules on the participation of a lawyer in the application of the norms on confession of guilt in our legislation, within the framework of the cases where the participation of a defense attorney is required in the case, in particular, in cases where an agreement on a confession of guilt has been concluded according to the section 51, Part 1, article 84 of the Code of Criminal Procedure, the defense attorney participation is required. Confession of guilt refers to admitting and agreeing to all the blame for the crime committed by this person with his own will, free will, understanding its consequences. Therefore, a person's decision in this regard should be made after careful consideration and analysis should be done.

Although in the Anglo-Saxon legal system, plea agreements can be concluded without the participation of the accused, according to the current criminal procedure law, the defense counsel (lawyer) is not considered an independent participant in the plea agreement, but nevertheless, his participation is of great importance. is represented by:

first, the petition cannot be filed without consultation with the defense attorney;
and secondly, a motion for settlement also required to be signed by the defender;
the lawyer will present his opinion on the agreement in court.

It can be seen from the above that the role of the defense attorney (lawyer) is very important in the conclusion of the plea agreement and its implementation. The lawyer can discuss all aspects of the agreement with the person under his protection and offer the person one of the following:

to submit a request for a full confession of guilt for the crime committed; and by agreement - not admitting guilt; partial guilty plea;

- Regardless of what conclusion is reached according to the above, the defender should aim to provide qualified legal assistance in this regard within the framework of his functional duties.

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2. Criminal Procedure Code of the Republic of Uzbekistan.// <https://lex.uz/docs/111460>
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