



IMPROVEMENT OF THE INSTITUTE OF ADVOCACY

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ABSTRACT: - The development of the Institute of Advocacy; growing its function in legal services; maintaining the equality of all participants in the judicial process; and the importance of the role of lawyer in judicial reforms are the key topics of discussion at the moment.

KEYWORDS: Institute of advokatura; Criminal Law; strategy;concept;fair trial; agreement;qualified legal aid.

INTRODUCTION

Nowadays, extensive work is being done to strengthen our country's Institute of Advocacy, as well as the implementation of Advanced International Standards and international practice, in order to protect citizens' unrestricted rights and freedoms.

The adoption of the Republic of Uzbekistan's strategy of action on five priority areas of development for the period 2017-2021

marked one of the most important directions of state policy in the area of improving criminal and criminal-procedural legislation, as well as an important stage in the judicial-legal system's reform. ¹.

¹ «Ўзбекистон Республикасини янада ривожлантириш бўйича ҳаракатлар стратегияси тўғрисида»ги Ўзбекистон Республикаси Президентининг 2017 йил 7 февралдаги ПФ-4947-сонли Фармони. Ўзбекистон

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Indeed, the main factor of the reforms carried out in the judicial system is aimed at ensuring reliable protection of human rights and freedoms. The activity of the advisory board is considered one of the important institutions in the social life of the society and is assigned to it the implementation of the constitutional functions of protection of the rights and freedoms of citizens. In particular, the role of the Institute of advocacy in the conduct of justice is special.

In the Constitution of the Republic of Uzbekistan, “the accused is provided with the right to protection. The right to qualified legal assistance at any stage of Investigation and judicial proceedings is guaranteed. Advocacy provides legal assistance to citizens, enterprises, institutions and organizations. The organization of the advocacy and the procedure for its work are determined by law”, is defined separately. On the measures of the president of the Republic of Uzbekistan “on measures to further protect the rights and freedoms of a person in judicial-investigative activity”² on August 10, 2020. By the decree of PF-6041, the Institute of advocacy has once again determined its extensive functions in the protection of human rights and interests.

In particular, on the further improvement of the activities of the advisory board, the following:

implementation of applications, explanations, or testimonies from the suspect, defendant, or defendant by employees of the bodies conducting operational-search activities with the written permission of the investigator, investigator, prosecutor, or judge who is in

charge of this criminal case's proceedings, and only with the participation of the defender (except in cases where the defender is waived in the;

calculation of the period of detention of a person suspected of committing a crime from the time he was actually detained;

determination that a person is practically detained or that an urgent action related to his arrest for a crime has been completed in practice or that he has been identified as a suspect, provided that, from the time he is notified, he must meet with his counsel before proceeding with the procedural actions associated with him;

The Institute of Confessional Reconciliation on Guilt was established. The structure of a written agreement with the bodies of inquiry and preliminary investigation in cases where a person in certain categories of crimes has filed a complaint against the neck of his guilt, has expressed sincere regret, has actively assisted in the detection of the crime and has eliminated the damage caused, and the court shall impose a penalty in relation to it;

at the stage of pre-trial prosecution of the criminal case, in the absence of the possibility of a later interrogation of the witness and the victim due to severe illness or the need to leave for a long period to a foreign state, their testimony should be submitted by the court in accordance with the request of the suspect, defendant, victim, witness, prosecutor;

The definition of the condition for the participation of the defender was provided for in the case of persons suspected or accused of committing an extremely serious crime, as well as in the case of the application of a precautionary measure in the form of a prison sentence or house arrest in relation to a person. At the same time, the Institute of Advocacy is becoming more powerful, and while advocacy rights are expanding, the

Республикаси Қонун ҳужжатлари маълумотлари миллий базаси (LexUz).

² Ўзбекистон Республикаси Президентининг 2020 йил 10 августдаги “Суд-тергов фаолиятида шахсинг ҳуқуқ ва эркинликларини ҳимоя қилиш кафолатларини янада кучайтириш чора-тадбирлари тўғрисида”ги ПФ-6041-сонли Фармони <https://lex.uz/docs/4939467>.

legislation enacted, based on the theology conducted in recent years, has revealed that there are still barriers in what elements of the advocacy system.

In particular, our vision of the role of The Advocate in the protection of the accused, the suspect in the agreement on confession to guilt, is also.

Chapter 621 has been added to the current criminal-procedural code of the Republic of Uzbekistan. It was supplemented by Article 5862 of the agreement on confession to guilt and the conditions for its conclusion. According to the law, an agreement on confession to the crime is concluded if the suspect, the defendant, has realized the essence of his actions, as well as the consequences of the petition he has filed, the petition is issued voluntarily and after consultation with the defender participating in the case, the suspect, if the defendant does not deny the suspect or the

Article 5865 of the criminal-procedural code of the Republic of Uzbekistan is detailed about the content of the agreement on confession to guilt.

The date and location of the extradition agreement for guilt, information on the prosecutor who reached the agreement, the defendant's surname, name, and patronymic, other data, information on the defender, description of the crime scene and time, and other circumstances that must be proven, part, paragraph, of the article of the Criminal Code, The procedure for the appointment of punishment for the crimes committed, the disclosure of the committed crime, the provision of evidence in the criminal case, the suspect for the detection of property acquired by way of the criminal, and the actions that the defendant will take after the signing of the agreement on confession to the crime were all agreed upon. The amount of damage caused and the consequences of non-fulfillment of the conditions stipulated in

the fifth part of Article 5863 of the criminal-procedural code of the Republic of Uzbekistan shall be indicated.

If more than one individual is a suspect or defendant in the case, the agreement on guilt confession is reached separately with each suspect or defendant.

The prosecutor, the suspect, the defendant, and his lawyer all sign the agreement. Before signing the agreement, the suspect, or accused, has the right to discuss the topic of concluding the agreement and its repercussions with the defender in confidence and without delay.

It remains to be noted that article 5863 establishes the consideration by the prosecutor of the petition for the conclusion of an agreement on confession of guilt. The investigator, who is leading the criminal case, receives the petition for the conclusion of an agreement on confession to the crime. Within twenty-four hours of receiving a request for an agreement on confession of guilt, the investigator will transmit the materials of the criminal case to the prosecutor to resolve the problem of reaching an agreement. Within 72 hours after his arrival, the prosecutor reviews the petition for the completion of an agreement with the participation of the investigator or investigators and the suspect, the defendant, and his defender, and examines compliance with the conditions set forth in Article 5861 of this code. If necessary, the prosecutor also attracts the victim or the Civil Plaintiff to consider the issue of concluding an agreement.

It should be noted separately that according to Article 57(2) of the Criminal Code of the Republic of Uzbekistan, the term or amount of the punishment to be imposed on crimes for which an agreement on extradition has been concluded should not exceed half of the maximum punishment provided for in the relevant article (part) of the special part of the Criminal Code.

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CONCLUSION

In conclusion, the defender's primary responsibility is to safeguard the accused's, victim's, and suspect's rights and legitimate interests. Only in the case of the accused's legitimate interests being protected, and due to the unreasonable nature of the accusation, achieve the abolition of the criminal case; achieve a change in the qualification (qualification) of the criminal case for the purpose of mitigating responsibility in accordance with the circumstances of the case; achieve the abolition or amendment of the precautionary measure; various procedural actions, consisting of attempts to deter. In other words, it includes the protection of the legitimate interests of the accused, the elimination of the prosecution of an innocent person or the imposition of responsibility, the Prevention of unfair severe punishments, the consideration of a whole complex of mitigating circumstances.

The defender's independence does not imply that he must act without respect for the protected person's privacy and necessities in general.

The defender should not follow the accused's illegal attempts, but he must consider the requirements of the person in his defense based on the law, and the defender's independence is thus relative.

The solicitor's professional duty requires him to analyze and evaluate all evidence in the case in an objective, comprehensive, and truthful manner, not to intentionally distort the facts, not to try to distract the court or the investigation, and to evaluate the investigated events without regard to legality or morality. In the case, it may not offer true, self-evident evidence or data that contradicts the facts he knows.

As a result, the "on advocacy" principles of the Republic of Uzbekistan's legislation

require, first and foremost, that a lawyer be an example of moral purity, as well as a clear and undervalued respect of the laws.

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