



THE ROLE OF THE LAWYER IN PROVIDING LEGAL AID TO JUVENILE PRISONERS

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Abstract

The article examines the specific features of the lawyer's activity in providing legal aid to minors who have committed a crime and are serving a sentence based on the current legislation of the Republic of Uzbekistan, relevant suggestions and conclusions regarding the improvement of the activity of lawyers in protecting the rights and freedoms of minors are presented.

Keywords: minor, prisoner, deprivation of liberty, legal aid, lawyer's secret, prisoner's correspondence, crime, court, rights and liberties, correctional facilities, criminal procedure, criminal law.

INTRODUCTION

The strengthening of a number of articles and norms in the Constitution of the Republic of Uzbekistan aimed at protecting human rights and serving to strengthen the legal system, the legislation on the legal profession and legal activities, in turn, created conditions for the further development of legal relations in the field of providing qualified legal assistance to persons serving a sentence related to social exclusion. . Ensuring the right of persons deprived of their liberty to receive qualified legal assistance is considered as a guarantee of compliance with human rights in one or another country.

It should be noted that in the international legal documents on human rights, as well as in the constitutions and other current laws of most foreign countries, the right of a prisoner to receive legal assistance is considered a fundamental right, and the state and society are responsible for its provision.

LITERATURE ANALYSIS AND METHODOLOGY

In the new version of the Constitution of the Republic of Uzbekistan, the strengthening of the constitutional foundations of the legal profession, in turn,





provides for the further strengthening of the status of lawyers in providing legal assistance to prisoners.

According to it, a separate chapter 24 of our Constitution is called "Advocacy" and the activity of the bar to provide qualified legal assistance to individuals and legal entities and to be based on the principles of legality, independence and self-governance in this regard, as well as to interfere in the activity of a lawyer while performing his professional duties. It is evidence that the lawyer, his honor, dignity and professional activity are under the protection of the state and protected by the law, and the activity of lawyers is protected at the level of the constitution.

Article 9 of the Law of the Republic of Uzbekistan "On Guarantees of Advocacy and Social Protection of Lawyers" focuses on this issue. The detained person, the accused, the defendant and the prisoner must be provided with the necessary conditions to meet with a lawyer without hindrance and receive advice from him".

In the current Criminal-Executive Code of the Republic of Uzbekistan, the provisions in this regard have been strengthened. Article 10 of it provides for the provision of the right of prisoners to receive qualified legal assistance from lawyers.

It should be noted that the freedom, independence and constitutional guarantee of the lawyer's activity eases their work, and serves to ensure reliable protection of the legal rights and interests of the prisoner defended by the lawyer.

It is known that the role of a lawyer in protecting the procedural rights and freedoms of minors who have committed a crime is incomparable.

Usually, people in this category need special legal assistance due to their youth or because they have unknowingly entered the street of crime, as well as because they do not fully understand the true nature of their actions. From this point of view, the cases of crimes of minors are included in the system of criminal cases of a special category in the criminal procedural legislation of the Republic of Uzbekistan, and in this regard, the participation of a lawyer, raising his position, ensuring that he achieves legal relief, and as a guarantee of compliance with the rights and legal interests of this category of persons are of great importance. is enough.

In turn, it should be noted that crimes committed by minors have a special place in the general crime system, and their spread and growth rates have a negative impact on the socio-economic and spiritual-cultural development of our country.

According to statistical data, the number of juveniles found to have committed a crime in our country in January-March 2023 compared to the same period of 2022 increased by 12.0%, and by 2.1 times compared to January-March 2021. Most minors were registered in Fergana (173 people), Namangan (68 people) and Tashkent (65 people) regions, and in Tashkent city (70 people). At the same time, Jizzakh (15 people),





Khorezm (14 people), Syrdarya (11 people), and Navoi (8 people) regions recorded the least number of minors who committed crimes.

Regarding the composition of crimes committed by minors, it can be seen that they commit crimes of theft, hooliganism, fraud, robbery and assault, intentional grievous bodily harm, indecent assault and attempted indecent assault, and intentional homicide.¹

These numbers show the importance and value of having a competent attorney in juvenile delinquency cases.

Despite the fact that measures aimed at protecting the rights and interests of minors are being effectively increased by our state, due to objective reasons, they need protection and cannot always independently protect their rights and legal interests due to their youth, committing crimes and being isolated from society. Therefore, the cases in which the lawyer-defender must participate in the practice of law enforcement are of particular importance, and according to Article 51 of the Criminal Code of the Republic of Uzbekistan, it is stipulated that a lawyer must participate in the case of minors.

Also, according to Article 550 of the Code of Criminal Procedure of the Republic of Uzbekistan, starting from the first questioning of a minor as a suspect or accused, the investigator or investigator shall take measures to ensure the participation of the defender in the case. For this purpose, it is explained that the minor and his legal representative have the right to offer a defender of their choice. If the defense attorney was not summoned by the order or consent of the minor, his legal representative or other persons, the investigator, investigator or court is obliged to ensure the defense attorney's participation in the case on his own initiative.

A lawyer can be crucial in protecting the rights and interests of juvenile prisoners. In particular, when working with this weaker layer, the lawyer needs to pay special attention to the age, mental state, physical development, and health of the juvenile prisoner.

DISCUSSION AND RESULTS

It is known that juvenile convicts can receive and send an unlimited number of letters and telegrams. According to the legislation, letters and other communications of all convicts, except for convicts who are serving their sentences in penal colonies, are censored.

Appeals of convicts sent to the representative of the Oliy Majlis of the Republic of Uzbekistan on human rights (ombudsman) and the representative for the protection of the rights and legal interests of business entities under the President of the Republic





of Uzbekistan cannot be reviewed by the administration of the institution and will be sent to the relevant representative no later than twenty-four hours. In our opinion, the correspondence of juvenile convicts with lawyers should not be allowed to be censored, and it would be appropriate for this issue to find its expression in the legislation.

In our view, the current rules make it somewhat difficult to protect legal counsel and provide qualified legal assistance. According to Article 9 of the Law on Advocacy, it is known that a lawyer must keep the secret of his profession.

The lawyer's secret clause is the fact that the trusting person (the protected person) turned to the lawyer for help, the matters for which the trusting person (the protected person) turned for help, the nature of the advice, advice and explanations that the trusting person (the protected person) received from the lawyer, the lawyer's includes all the issues discussed in the interview with the confidant (person under protection). Therefore, this issue should be reflected in the criminal law. That is, in the process of further reforming the activities of the legal profession, improving the provisions on the rights of juvenile convicts in criminal law, it should be reflected in the law. As a solution to this, it is appropriate to include the sentence "...in the name of the representative for the protection of the rights and legal interests of business entities" in Part 5 of Article 79 of the Criminal Code of the Republic of Uzbekistan, as well as sent to the lawyer of the juvenile convict.

CONCLUSION

According to the above, the role of a lawyer in the implementation of legal assistance to juvenile prisoners is important, and it is manifested in the following:

- provides qualified legal assistance in ensuring the rights and freedoms of the juvenile convict serving the sentence, which are generally recognized in the Constitution of the Republic of Uzbekistan and other current laws;
- represents the rights and freedoms of the convict in various criminal cases (appeal, cassation);
- participates in the realization of the rights and freedoms (medical and psychological assistance, receiving social security, etc.) enshrined in the law and other normative legal documents regarding the procedure and conditions of serving the sentence of the convict in the educational colonies;
- provides legal assistance in case of release from punishment (conditional release from punishment before its term, replacement of punishment with a lighter one, etc.) within the law;





- helps the prisoner in civil (non-property and property relations), family legal relations (establishment of paternity), etc.

References

1. Constitution of the Republic of Uzbekistan. - Tashkent, Uzbekistan, 2023.
2. Law of the Republic of Uzbekistan on "Advocacy". No. 349-I dated 27.12.1996
3. Decision of the President of the Republic of Uzbekistan "On fundamental improvement of criminal-executive legislation".2018.08.11.// <https://lex.uz/docs/4045443>
- 4.Criminal-Executive Code of the Republic of Uzbekistan. Article 10. <https://lex.uz/acts/163629>
5. Law of the Republic of Uzbekistan on "Guarantees of Advocacy and Social Protection of Lawyers"// <https://www.lex.uz/acts/29626>
6. Kuznetsova O.B. Pravo osujdennyx na gratisyu uridicheskuyu pomoshch, okazyvaemuyu advokatom // Zakonodatelstvo i ekonomika. No. 5, 2015. – 1 p.l.

