International Journal Of Law And Criminology
(ISSN – 2771-2214)
VOLUME 04 ISSUE 03 PAGES: 22-33
SJIF IMPACT FACTOR (2022: 5. 705) (2023: 6. 584) (2024 - 7.691)
OCLC – 1121105677
Crossref doi Google Scholar WorldCat MENDELEY
Publisher: Oscar Publishing Services

OSCAR PUBLISHING SERVICES

Journal Website: https://theusajournals.com/index.php/ijlc

Research Article

GUARANTEES OF INDEPENDENCE OF THE LEGAL PROFESSION IN THE REPUBLIC OF KAZAKHSTAN AND THE REPUBLIC OF UZBEKISTAN

Submission Date: March 19, 2024, **Accepted Date:** March 24, 2024,
Published Date: March 29, 2024
Crossref doi: https://doi.org/10.37547/ijlc/Volume04Issue03-05

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ABSTRACT

In this article, the author examines the analysis of recommendations of international standards regarding further ensuring the independence of the legal profession in the Republic of Kazakhstan and the Republic of Uzbekistan. The author proposes to provide lawyers with the opportunity to get acquainted with a secret protected by law or a certain part of it, both in the course of criminal, and in the course of civil or other proceedings, it is also necessary to introduce amendments regarding the terms for consideration of lawyer requests towards reduction. Based on the results of the study, the author presents theoretical findings and conclusions.

KEYWORDS

lawyer, lawyer-client privilege, suspects, principal, defense lawyer, lawyer immunity, lawyer ethics.

INTRODUCTION

All over the world, serious attention is paid to the procedural status of the lawyer, who is an important participant in legal proceedings in the administration of justice, as well as its improvement, since the legal profession plays a vital and significant role in the effective implementation of the principle of the rule of law, including the provision of qualified legal assistance to legal entities and individuals, especially given its human rights function. In international instruments[1], government agencies are required to strictly follow their functions designed to ensure that lawyers are able to perform their professional duties without intimidation, hindrance, harassment and undue interference; where the safety of lawyers is threatened in connection with the performance of professional duties, they must adequately protected by the authorities. In this regard, a comparative study of the experience of Uzbekistan and Kazakhstan in ensuring the independence of lawyers and advocacy is of particular interest. In Uzbekistan and Kazakhstan, problems regarding ensuring the independence of a

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lawyer, as a condition for the effective performance by lawyers of their professional tasks, in particular, those assigned to the institution of the legal profession, are among a number of relevant issues for law, regardless of the level of their socio-legal development. Thus, in the Republic of Uzbekistan, about sixty thousand criminal cases are initiated annually, of which more than 45-50 thousand cases are sent to court[2]. Based on this, every year more than a thousand lawyers participate as lawyers in criminal proceedings. These data indicate the important scientific and practical significance of the research topic.

METHODS

When writing the research, methods such as formal logical, systemic, historical development, comparative legal, analysis of the practice of criminal cases and statistical data, and conducting sociological surveys were used.

RESULTS AND DISCUSSION

ObA Law in Art. 2 provides for the prohibition of interference in the work of lawyers; the impossibility of bringing a lawyer to any responsibility for the opinion expressed by him while carrying out his legal practice, unless a court verdict that has entered into legal force establishes the lawyer's guilt in a criminal act (inaction); a complete and unconditional ban on demanding from lawyers information related to the provision of legal assistance in specific cases; ensuring state protection of the lawyer, his family members, etc.

The Bar is a professional community that operates on the principles of independence, self-government and corporatism and fully protects these principles of its activities. Corporativity, in its independence and inviolability, if possible, separation from the state and even gullible citizens, as well as providing itself with the maximum guarantee from any kind of liability, is characteristic of a legal institution, which is defined in the Rules of Legal Ethics, as well as in the Law of the Oba, and is reflected in some legal norms.

The Bar Association, as a group of lawyers united into a single community, is absolutely independent. It is prohibited to interfere or impede the activities of lawyers in any way. Interference in the activities of a lawyer or obstruction of the activities of a lawyer can be eliminated by the lawyer filing a complaint (claim) based on the commission of an action or inaction by an official or employee in a procedural (judicial) or administrative (procedural) procedure.

A lawyer is absolutely independent in his professional work; he is not concerned about the opinions, decisions or actions of other persons, bodies and officials[3].

The procedural independence of a lawyer is the right (opportunity) to determine one's own legal position on a dispute (case) on one's own and without external "hints" or instructions and optimally ensure the protection or representation of the client's interests[4].

International standards for lawyer independence

UNOCRU prescribes, in order to ensure adequate protection of the human rights and fundamental freedoms to which all people are entitled, whether those rights are economic, social and cultural or civil and political, the need for all people to have effective access to legal services provided by independent professional jurists (lawyers).

This is especially true regarding the freedom of lawyers to express their opinions.

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In particular, the ECHR affirms the right of lawyers to give public comments on issues of justice, however, without going beyond certain limits[5].

Some problems of exercising the rights of a lawyer at the pre-trial stages of criminal proceedings

A defense attorney in criminal proceedings has a special kind of procedural status. So, part 1 of Art. 50 Code of Criminal Procedure of the Republic of Uzbekistan. provides for the invitation of a defense lawyer by the suspect, accused, defendant, their legal representatives, as well as other persons at the request or with the consent of the suspect, accused, defendant.

Currently, anyone who is summoned by the body conducting a criminal trial for questioning as a witness can take his own or an invited lawyer with him to questioning, and no one has the right to prevent him from exercising this right (Part 1 of Article 66 of the Code of Criminal Procedure). It cannot be said that this right is actively used.

In our opinion, this happens for two reasons:

firstly, the witness is obliged to truthfully report all the circumstances that are known to him and may have a certain significance. The witness himself believes that he personally has nothing to do with the crime committed.

As for the first case, at first glance everything is clear, but this is only at first glance. If we turn to Art. 66 of the Code of Criminal Procedure, we see that a witness is a person who presumably knows about any circumstances in a criminal case.

If a citizen unwittingly became an eyewitness to a fight that occurred and can report the circumstances of how it happened, then of course it would be inappropriate to use the legal assistance of a lawyer.

However, if we are talking, for example, about economic crimes, then their commission is usually associated with financial and economic activities. In this case, the witness is interrogated about the circumstances that he knows about the commission of certain transactions or financial transactions related to the criminal case, in which the witness himself was often a participant.

Under such circumstances, the participation of a lawyer during the interrogation of a witness can no longer be called unnecessary, since after the interrogation, the status of the witness can easily change to the status of a suspect.

Secondly, even if a witness assumes that the investigator may recognize him as a suspect or accused in the future, he believes that the very fact of inviting a lawyer may already aggravate the investigator's suspicions. The logic of this behavior can be expressed as follows: "I need to show the investigator that I did not commit a crime, I have nothing to fear, therefore, I do not need a lawyer."

The admission of a defender is the next problematic issue in practice. It involves several options in accordance with Articles 49, 50 of the Code of Criminal Procedure of the Republic of Uzbekistan, as well as the mandatory participation of a defense attorney (Article 51 of the Code of Criminal Procedure of the Republic of Uzbekistan)[6].

Denial of access to a client is one of the most blatant and fairly common ways of violating a lawyer's professional rights. This problem has existed for exactly as long as the current system of criminal prosecution and statistical assessment of the quality of investigative work has been functioning. In a system in

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which the work of an investigator is still assessed by the number of criminal cases sent to court, many investigators will be interested in obtaining confessions from suspects and the absence of a strong defense lawyer who can look for flaws and procedural violations in the case. For this reason, unscrupulous investigators, counting on the fact that the suspect, being shocked by the fact of detention, will cooperate in the absence of the assistance of a qualified lawyer, do not allow defense lawyers to see their clients under false pretexts[7].

Defenders face denial of access in the following cases:

- denial of access to the principal during a search;

- denial of access to a client who is detained by internal affairs bodies due to suspicion of committing a crime;

- denial of access to a principal brought to the investigator after a search and interrogated as a witness or suspect;

- denial of access to a principal brought to the internal affairs body during proceedings in a case of an administrative offense;

- denial of access to the principal held in a pre-trial detention center or in places of deprivation of liberty.

The defense attorney has the right to file motions and challenges (Part 1 of Article 53 of the Code of Criminal Procedure of the Republic of Uzbekistan), but only the lawyer of the witness can challenge the interpreter (the representative of the victim, the defense lawyer of the detainee, suspect, accused or defendant does not have such a right), which is completely illogical[8].

In this regard, it is proposed to add Art. 71 Code of Criminal Procedure of the Republic of Uzbekistan:

"If there are circumstances provided for in Article 78 of this Code, the translator may be challenged by the parties, and if the translator is found to be incompetent, also by the defense attorney, witness, expert or specialist."

A lawyer participates in courts in four areas - in criminal cases, in civil cases, in economic cases, in administrative courts in disputes arising from public legal relations. A lawyer participates in criminal courts as a defense attorney, a representative of a civil plaintiff or defendant, a representative of a victim, or a witness defender.

Now, regardless of the legal status in which a lawyer participates in this process, the law gives him a number of rights and assigns a number of responsibilities. For example, a defense attorney has the right to participate in investigative actions and receive copies of case materials.

For example, a lawyer, at the request of the person whose premises or possession is being searched, may be engaged to protect the interests of the client at any stage of the search. Not allowing a lawyer to conduct a search, which is documented, is one of the grounds for deeming the search results inadmissible as evidence in a criminal case.

During the search, the lawyer, seeing violations of the law by the prosecutor, investigator or operational worker, records these violations, which may serve in the future as a basis for initiating criminal proceedings against the prosecutor, investigator or operational employee who conducted the search.

From the moment the lawyer begins to accompany the search, the pressure of law enforcement agencies decreases significantly, since representatives of law enforcement agencies understand that all their actions that go beyond the scope of the law will be recorded

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by the lawyer in the search protocol and will be the basis for recognizing such a protocol as inadmissible evidence.

However, the article itself does not allow a lawyer to exercise these rights or perform duties. Because this article expresses only rights and obligations, but does not express guarantees for the implementation of these rights. So, what are the guarantees for the implementation of these rights and obligations in this case? In other words, does it allow the full use of these rights? Of course not. Because there may be obstacles or various interferences in the exercise of these rights or the performance of responsibilities. Especially in criminal proceedings, this is an almost everyday situation.

For example, lawyers are not always notified of the time of a court hearing. As a result, you have to file an appeal to a higher court.

In order to prevent such situations, legislation must establish guarantees for the implementation of these rights. Guarantees are manifested in the establishment of statutory liability for obstructing the exercise of these rights. In response to the current situation, in accordance with Article 8 of the OGADSZ Law, the following provision was strengthened: will entail liability in the prescribed manner." It is this article that serves as a guarantee of the full implementation of the rights and obligations of a lawyer specified in Article 53 of the Code of Criminal Procedure.

In addition, according to Article 10 of the ObA Law, one of the guarantees of a lawyer's activities in criminal proceedings is that he has immunity from giving evidence when performing the duties of defense or representation. M.S. Strogovich stated about this legal norm that "the prohibition of questioning a defense lawyer as a witness serves to increase citizens' confidence in the legal profession and guarantees the freedom to use the assistance of lawyers"[9].

Право собирать доказательства (ст. 53 УПК РУз, п.2 ч.1 ст.6 Закона ОбА), является одним из важнейших прав защитника.

Но, самостоятельность защитника эфемерна, поскольку полученные адвокатом сведения "автоматически" доказательствами не станут[10].

При этом как отмечается адвокатским сообществом, на практике нередки случаи, когда данное правомочие адвоката узурпируется как органами расследования, так и судом. В то же время, в своей деятельности адвокаты сталкиваются с противодействием со стороны правоохранительных органов и суда в собирании и предоставлении доказательств. В этой связи видится необходимым рассмотреть сложившуюся проблему и предложить пути ее решения, в том числе в виде осуществления «адвокатского расследования»[11] (Франция, Великобритания, Италия, Германия и ряд других стран).

Вместе с тем, производство следственных действий (тем более параллельного расследования) неразрывно связано с мерами процессуального принуждения, обеспечивающими доказательства. В этой связи, некоторые эксперты критикуют процедуры адвокатского расследования[12].

Исходя из этого, ч.2 ст. 86 УПК РУз следует дополнить: «Защитник вправе также собирать доказательства путем привлечения специалиста и получения его заключения, проведения независимой экспертизы в государственном или негосударственном экспертном учреждении либо путем получения заключения независимого эксперта».

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Дополнение ч. 2 ст. 86 УПК в предлагаемой редакции полностью соответствует первому предложению этой части ст. 86 Уголовно-процессуального кодекса гласит, что не допускается отказ защитника в доступе к материалам уголовного дела, а также в обязательном ознакомлении в ходе доследственной проверки, следствия, суда.

Видный юрист Франсуа Этьен Молло в своей книге «Правила профессии адвоката» утверждает, что строгое сохранение доверенной тайны было главным условием деятельности адвоката в то время. «Адвокат, — говорит мэр Молло, — граждане должны защищать свою собственность, репутацию и жизнь». закон и государство назначают его на эту высокую должность. Но чтобы сделать это правильно, ему в первую очередь нужно доверие клиента; где нет уверенности в секретности, нет и доверия»[13].

Адвокатская тайна представляет собой состояние запрета доступа к информации, составляющей ее содержание, посредством установление специального режима.

Current situation.

A lawyer does not have the right to disclose any information related to the provision of legal assistance without the consent of an authorized representative.

A lawyer is obliged to maintain the confidentiality of information related to the lawyer's provision of legal assistance to his clients; in this regard, the lawyer cannot be summoned and questioned as a witness about the circumstances of the case[14].

The law is strict regarding operational and investigative bodies in interfering in the work of a lawyer and prescribes operational search activities and investigative actions against lawyers to be carried out only on the basis of a court decision. The information, objects and documents obtained can be used as evidence for the prosecution only if this information, objects and documents are not included in the proceedings of lawyers in the cases of clients. These restrictions do not apply to instruments of crime and items prohibited for circulation or the circulation of which is limited.

As an analysis of legal practice shows, investigative bodies and bodies carrying out operational investigative activities commit significant violations of the provisions of the current legislation aimed at ensuring attorney-client privilege. Investigators are trying to interrogate lawyers as witnesses in criminal cases, draw up procedural documents recording the results of investigative actions with their participation, which were not actually carried out, etc. These and other similar actions are a gross violation of the law. They often pursue the goal of either preventing a particular lawyer from providing defense in a criminal case, or by any means, including illegal ones, to collect evidence of the guilt of the suspect (accused).

At the same time, there are frequent cases of unlawful use by lawyers themselves of information constituting the subject of attorney-client privilege, including cases of dissemination of such information not authorized by clients. Such actions harm the legally protected rights and interests of citizens and violate the provisions of the law and the Rules of Professional Ethics for Lawyers aimed at ensuring attorney-client privilege.

International standard.

Paragraph 93 of the UN ISPR notes that "for the purpose of their defense, untried prisoners should have the right to apply, where possible, for legal counsel, to receive in custody a legal adviser who has

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taken over their defense, and to prepare and transmit to him confidential instructions"[15].

Foreign experience.

In the Russian Federation, a search, inspection and confiscation of a lawyer's belongings can only take place after the initiation of a criminal case, on the basis of a judge's order, in the presence of a member of the Chamber of Lawyers, and the order must necessarily indicate the specific objects being sought[16].

In the USA, immunity belongs only to the client, but not to the lawyer. As a result, a defendant may prevent a lawyer from disclosing information, but a lawyer does not have the power to interfere with a defendant's choice to waive immunity and testify at trial, communicate with police officers, or exchange confidential information with third parties not involved in confidential conversations.

The defendant may waive immunity directly or indirectly by his conduct, but the court will recognize the waiver of immunity only through a clear indication that the defendant did not take measures to keep the information confidential. Incidental disclosure of confidential information to third parties by an attorney or defendant is generally not sufficient to constitute a waiver of immunity. If the defendant is opposed to waiving immunity, the lawyer may declare immunity on the client's behalf to shield the defendant and the lawyer from having to disclose information exchanged between them.

Immunity applies only to the exchange of information between a lawyer and a client. However, immunity extends beyond the immediate attorney-client relationship to include the attorney's partners, colleagues, and department employees (e.g., secretaries, clerks, telephone operators, messengers, court clerks) who work with the attorney in the course of their daily duties. The presence of third parties who are not members of the lawyer's law firm will usually be grounds for denial of a claim of immunity, even if the third party is a family member of the accused. (In some cases, immunity will not be waived if the presence of a third party was reasonably necessary to further the interests of the accused (for example, an appointed guardian for a minor)).

Confidential information is often characterized as "sacred." However, this description is incorrect. Immunity is subject to a number of exceptions. In the United States, the rules of evidence state that "recognition of immunity based on confidential legal relationships should be determined on a case-by-case basis"[17]. When considering claims of immunity, the court weighs the benefit that can be gained by protecting the sanctity of confidential information against the potential harm caused by denying the opposing party access to potentially valuable information.

Crimes involving fraud are one of the oldest exceptions to immunity. Immunity is ultimately intended to serve the interests of justice by isolating communications between client and lawyer in order to promote an adversarial process. Immunity does not apply to communications in which the accused asks for advice on how to commit a criminal or fraudulent act, or where the accused states an intention to commit a crime. In almost all jurisdictions, a lawyer can be forced to disclose such information to the court or other investigative authorities.

A party seeking disclosure of confidential information under an exception must show minimal evidence that the legal advice was obtained for and closely related to the fraudulent activity. A party seeking discovery does not satisfy this requirement by simply alleging that a crime or fraud has occurred and then alleging that the

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disclosure may help prove the crime or fraud has occurred. Specific evidence must be provided that the specific document or information was intended to facilitate a crime or fraud.

According to P. Abdullayeva, the limits of attorney-client privilege when providing legal assistance should not be limited in any way[18].

In our opinion, one can hardly agree with this position. The rights and freedoms of man and citizen determine the meaning, content and application of laws, the activities of the legislative and executive powers and are ensured by justice. Meanwhile, it is quite rightly noted that "... everyone is guaranteed the right to receive qualified legal assistance... One of these conditions is to ensure the confidentiality of information, the receipt and use of which is associated with the provision of legal assistance, which by its nature presupposes trust in the relationship between lawyer and client, which, in particular, is served by the institution of attorney-client privilege..."[19].

Maintaining professional secrecy is an absolute priority for a lawyer. The period for keeping secrets is not limited in time. A lawyer cannot be released from the obligation to maintain professional secrecy by anyone other than the client. Without the consent of the client, a lawyer has the right to use information communicated to him by the client to the extent that the lawyer considers reasonably necessary to substantiate his position when considering a civil dispute between him and the client or for his defense in disciplinary proceedings or criminal proceedings initiated against him. A lawyer does not have the right to testify about circumstances that become known to him in connection with the performance of his professional duties.

A lawyer cannot assign to anyone the right of monetary claim against the principal under an agreement concluded between them. Lawyers carrying out professional activities jointly on the basis of a partnership agreement, when providing legal assistance, must be guided by the rule of extending secrecy to all partners.

In order to maintain professional secrecy, a lawyer must conduct office work separately from materials and documents belonging to the client. Materials included in the lawyer's proceedings in the case, as well as correspondence between the lawyer and the client, must be clearly and unambiguously designated as belonging to or emanating from the lawyer.

The rules for maintaining professional secrecy apply to attorney assistants and trainees, as well as other employees of legal entities.

Non-compliance with attorney-client privilege is becoming commonplace. Thus, in criminal proceedings, public defenders usually provide copies of prepared or collected documents of a confidential nature (agreement with a person; statements, complaints, petitions, claims, appeals, cassation complaints, etc.). These documents must be submitted to confirm payment to the Law Firm. This approach clearly contradicts the provisions of Article 9 of the ObA Law, as well as Article 15 of the PPEA[20].

In this regard, we propose to supplement the Criminal Code (CC) with an article that provides for up to two years of imprisonment for obstructing the legitimate activities of a lawyer. The Criminal Code stipulates liability for interference in the work of judges and prosecutors, but no punishment is provided for those who interfere with the work of lawyers. Meanwhile, for example, in the Russian Federation, where there is also no such measure of responsibility, journalist Milashina

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and lawyer Nemov, who flew to Grozny in the case of Z. Musaeva, were brutally beaten by unknown persons.

We insist that those who defend people in courts need iron-clad security guarantees. Interfering with the work of lawyers means violating both the rights of the accused and the interests of justice. It is urgent to close this legislative gap so that threats and attacks on lawyers cannot be avoided.

At the same time, legislators will not have to invent anything: our initiative can be based on the analogy of the existing articles of the Criminal Code, which provide for liability for interference in the activities of a court, prosecutor, investigator or interrogator. It is also proposed to amend the Code of Criminal Procedure, in particular, to secure the right of a lawyer to get acquainted with investigative documents drawn up before the initiation of a criminal case, and protocols of investigative actions, as well as copy them and know the composition of the investigative team. Investigators are required to conduct mandatory video recordings of interrogations and confrontations and draw up a list of defense witnesses to be subpoenaed.

Many lawyers note that they feel serious opposition from the law enforcement and judicial systems. Meanwhile, cases of attacks on lawyers in order to influence the course of justice are particularly dangerous, because this is a matter of ensuring a real right to defense, which is not limited to the mere opportunity to hire a qualified lawyer. The state is obliged to provide assistance from an independent lawyer who will not be afraid, and for this it is necessary to use certain mechanisms.

Unfortunately, representatives of law enforcement agencies no longer seem to see the need for changes in the law. However, a survey of lawyers showed that they see no point in fighting the investigation and the internal affairs bodies.

In their opinion, one should not expect much effectiveness from this: another "sleeping" norm will appear, according to which they will not even initiate cases, he suggests. Not allowing lawyers to see their clients, which could be qualified as obstruction of their activities, was a pressing problem five years ago, but now there are more complaints about various procedural violations. So, if such a law is adopted, it will be more of a preventive nature, many lawyers say.

However, today in Uzbekistan only Article 1971 of the Code of Administrative Offenses of the Republic of Uzbekistan[21] provides for liability for obstructing the professional activities of a lawyer (for example, if they did not provide information, or provided it at the wrong time, gave false data, documents at the request of a lawyer). Also, prohibited methods include influencing a lawyer to abandon a case or change a position, etc.

Lawyers need to be able to meet with clients in private, that is, in conditions that allow confidential negotiations to be ensured. This is stated in the Body of Principles for the Protection of All Persons Who Have Been Detained or Imprisoned in Any Form.

The right of a lawyer to access a client is fundamental: it constitutes the other side of the equally important right of the accused to legal defense in criminal proceedings. Most often, a suspect is intimidated immediately after arrest, so this is when lawyers must fulfill their task of protecting their client: demanding that all guarantees of protection be provided.

The ECHR has considered cases of denial of access to a lawyer to detainees many times. Such facts were recognized by the ECHR as a violation of the right to a fair trial. For example, in the case Moiseev v. Russia, the

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Court considered that the requirement to obtain permission to visit the applicant in a pre-trial detention center is not only excessively burdensome for the defense team, but also has no legal basis and is therefore arbitrary. The ECtHR paid special attention to applicants' access to legal assistance in order to prepare a complaint to the ECtHR. In a number of cases against Russia, the court ruled that such restrictions constitute an interference with the applicant's exercise of his right to an individual complaint.

Non-governmental organizations considered surveillance of negotiations between lawyers and clients in prisons to be the most common type of violation. For example, in a report to the Human Rights Council dated March 15, 2013, Special Rapporteur Gabriela Knaul noted that often meetings between lawyers and defendants were held in the presence of state security officials. The Network of Human Rights Houses (SNHR) in the report "Human Rights Lawyers Under Threat" identified among the main problems the refusal or untimely access of defense lawyers to clients in prison, pressure on persons in places of isolation in order to write a refusal from the lawyer working on the case and lack of appropriate conditions for meetings with your consultant.

Free legal profession primarily implies independence from the state and in relation to the state. State control and guardianship by the state cannot be combined with the independence of the lawyer. The absence of the right of assessment by the state when admitting lawyers to the profession is also a necessary condition for the independence of the legal profession. A necessary condition for the independence of lawyers is also that any person with the necessary qualifications to practice law can be admitted to the bar anywhere.

Opinions of scientific doctrine

As the great lawyer Molerac said: "In fulfilling our duties, we do not belong to anyone: neither the client, nor the judge, especially the authorities. We do not claim that anyone is inferior to us, but we also do not recognize any hierarchical superiority over us. There is no difference between the youngest and the oldest of us. Lawyers did not use slaves, but they did not have masters either."[22]

CONCLUSIONS

First, it is necessary to strengthen guarantees of the immunity of lawyers, including by:

procedural complications in obtaining court permission to wiretap and record lawyers' telephone numbers,

procedural complications in obtaining court permission for search and seizure in the office and home (office) of lawyers, as well as carrying out covert operational measures;

Secondly, it is necessary to establish a ban on the participation or involvement of lawyers in operational activities on a confidential basis;

Thirdly, criminal liability for interference or obstruction of a lawyer's activities related to the provision of legal assistance should be determined;

Fourthly, holding a lawyer accountable for public statements by lawyers in the media and in court hearings, if they do not violate public safety and do not have a criminal connotation (destructive calls), should be prohibited by law.

Fifthly, it is necessary to establish unhindered access for lawyers to participate in cases related to state secrets, but with the receipt of a non-disclosure receipt from the lawyer.

International Journal Of Law And Criminology
(ISSN – 2771-2214)
VOLUME 04 ISSUE 03 PAGES: 22-33
SJIF IMPACT FACTOR (2022: 5. 705) (2023: 6. 584) (2024 - 7.691)
OCLC – 1121105677
Crossref doi Google Scholar WorldCat MENDELEY
Publisher: Oscar Publishing Services

We can see the origins of the legal profession back in the 5th century BC, in ancient Athens, where the concept of logography existed. There were special people who, for a fee, wrote court speeches for litigants[23]. A person who has chosen this profession must have the status of a lawyer obtained in the prescribed manner.

A person will be able to work as a lawyer in Kazakhstan and Uzbekistan if:

- has citizenship;

- has a higher legal education;

- received a license to practice law;

- is a member of a bar association;

- provides legal assistance on a professional basis within the framework of advocacy, which is regulated by the Law of the Republic of Kazakhstan and the Republic of Uzbekistan.

A person cannot work as a lawyer in Kazakhstan if:

- the court declared him incompetent, partially capable, or he has an outstanding criminal record or one that has not been expunged in accordance with the procedure established by law;

- the person is exempted from criminal liability on the basis of paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Code of Criminal Procedure of the Republic of Kazakhstan;

- was dismissed for negative reasons or dismissed from the position of judge;

- if you have committed an administrative corruption offense;

- deprived of a license;

- excluded from the register of legal consultants[24].

The Law on Administrative Law and Law allows that lawyers can have assistants and trainees[24].

The assistant's job is to carry out assignments at the direction of the lawyer and under his responsibility.

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International Journal Of Law And Criminology
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