

Criminal Procedural Guarantees of Rights and Legal Interests of Lawyers

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Annotation: В данной статье рассмотрены вопросы уголовно-процессуальные гарантии обеспечения оптимальной защиты прав и законных интересов личности. А также, в статье расследованы понятия понятия гарантий обеспечения прав личности в уголовном процессе и уголовно-процессуальные гарантии прав и законных интересов адвокатов.

Keywords: law, system, reform, social, country, criminal

1. INTRODUCTION

One of the areas that has undergone radical reform is the judicial and legal system. This is explained by the fact that without a new, independent, democratic judicial and legal system, the full functioning of the country's social, economic and spiritual life is impossible.

This began to acquire particular importance when abandoning the command and administrative system of management and deciding to build a truly democratic, rule-of-law state and civil society with a developed market economy, where ensuring the rule of law, strengthening the protection of the rights and interests of the individual, family, society and state, increasing legal culture and legal awareness of the population, education of law-abiding citizens are both the goal and the means, the most important condition for the creation of such a state. To achieve this goal, the judicial and legal sphere required deeply meaningful and cardinal transformations, reforms, which was undertaken.

The ongoing large-scale reforms were also aimed at further strengthening the principle of separation of the branches of state power and deepening the judicial and legal reform, which in fact provides for the provision of genuine independence and independence of the judiciary, its greater openness to the general public; ensuring the equality of the parties in the preliminary investigation and trial, strengthening the role and independent position of the legal profession and the prosecutor's office in the criminal process.

2. THE MAIN PART

Based on the foregoing, below we will consider an example of lawyers who ensure individual rights in criminal proceedings.

As you can see, in our country, special importance in the system of legal protection of the individual began to be assigned to the most important institution of civil society - the legal profession, the state and level of development of which currently requires deep critical understanding, a comprehensive scientific study, and detailed legal regulation.

This is also required by the data of lawyer practice, which indicate that when exercising the powers granted to protect the legal rights and interests of their clients (clients), lawyers encounter a number of difficulties that are inevitable in the transitional period due to the transformation in all areas of state and public life. In addition, ensuring the protection of society from criminal encroachments is undoubtedly consistent with the task of protecting the honor, freedom, inviolability and other legitimate personal interests of a citizen.

That is why one of the most important constitutional principles of criminal procedure is the guaranteed right to defense, which allows the accused, both personally and with the help of a defense lawyer, to prove his innocence or to bring mitigating circumstances. But the right of the accused to defense serves not only to protect his legitimate interests, it also makes it possible to successfully solve the problems of justice as a whole, including the correct conduct of the preliminary investigation.

In this regard, special research is required by questions about the system of guarantees for the implementation of the protection function in criminal proceedings and about the progress in achieving its goals. It is in this vein that the problems of the participation of a lawyer at any stage of the criminal process, their procedural position, theoretical and practical problems of his participation in legal proceedings should be studied. The above allows us to conclude that further improvement of the institution of the legal profession is the most important task of reforming the judicial and

legal system at the current stage, aimed at the development of civil society institutions and the comprehensive provision of effective protection of human rights and freedoms.

Also for information, we can look at the concept of guarantees of ensuring personal rights in criminal proceedings:

So, according to L.D. Kokorev, criminal procedural guarantees are a system of legal means established by law for the proper administration of justice, protection of human rights and freedoms in criminal proceedings, and the implementation of the tasks of legal proceedings in criminal cases[1].

K.F. Gutsenko believes that criminal procedural guarantees are the conditions, means and ways of ensuring accurate and uniform observance of the law in the activities of all participants involved in the sphere of legal proceedings, the exercise of their rights and obligations in order to achieve goals and solving problems of the criminal process[2].

Procedural guarantees in the opinion of P.A.Lupinskaya - these are legal means contained in the norms of law that provide all subjects of criminal procedural activity with the opportunity to perform duties and use the granted rights[3].

The preferred point of view is L.D.Kokorev and V.Z.Lukashevich, according to which the guarantees include: principles of justice; criminal procedural norms securing the rights and obligations of the participants in the proceedings; procedural form; activities of participants in legal proceedings; system of verification of the legality and validity of procedural actions and decisions[4].

The foregoing allows us to conclude that further improvement of the institution of the legal profession is the most important task of reforming the judicial and legal system at the current stage, aimed at the development of civil society institutions and the comprehensive provision of effective protection of human rights and freedoms.

Particularly noteworthy is the fact that in order to implement the constitutional norm that guarantees everyone the right to professional legal assistance, the institution of a witness advocate is envisaged. The legal status of a witness lawyer as a new participant in the criminal process is determined by the article of the Criminal Procedure Code of the Republic of Uzbekistan. In this regard, appropriate amendments have been made to the articles regulating the rights and obligations of a witness.

Thus, guarantees of ensuring the rights of persons participating in criminal proceedings are the most important condition for the existence of the rule of law, as they prevent the development of crime, give reality to the objective rights of the individual, and also contribute to the establishment of the truth in criminal cases [5].

The amendments and additions made to some legislative acts of the Republic of Uzbekistan make it possible to judge that these innovations need a comprehensive study, which would contribute to the formation of the theoretical foundations of these issues, the improvement of the criminal procedural doctrine, as well as the development and formation of proposals for the further improvement of the norms of criminal procedural legislation regulating the procedural procedure for the participation of a lawyer in criminal proceedings, as well as law enforcement activities.

The foregoing allows us to note that the indicated legal problems are very relevant in scientific terms as one of the substantive directions of the policy of further reform and liberalization of the country's judicial and legal system pursued at this stage.

Currently, significant transformations are taking place in the Republic of Uzbekistan. These changes, of course, could not but affect the issue of law enforcement, and also affect government agencies and bodies involved in this type of activity. The task of building a legal democratic state was proclaimed as fundamental, and the protection of the rights and freedoms of citizens was defined as its priority duty.

In this situation, there is a logical need for such an organization of criminal proceedings, which would completely exclude the possibility of convicting the innocent and would ensure fair punishment for the persons who committed the crime.

This, in turn, predetermines attention to the activities of such a participant in the process as a lawyer, especially to the exercise of his functions at the pre-trial stages of the criminal process. After all, it is here that the initial accusation is formed and a specific person acquires the status of an accused, the rights and legitimate interests of which the lawyer is called upon to defend.

Lawyers may participate as defenders in the case. A lawyer is allowed to participate in a case upon presentation of a lawyer's certificate and the presentation of an order certifying his authority to conduct a specific case. By order of an inquiry officer, investigator or a court ruling as a defender at the request of a suspect, accused, defendant, along with a lawyer, one of the close relatives or legal representatives of the suspect, accused, defendant may be admitted.

The defense attorney is allowed to participate in the case from the moment the citizen is charged or the decision is announced to recognize him as a suspect, or from the moment of his arrest.

3. CONCLUSION

The foregoing allows us to conclude: a lawyer is one of the most important participants in the criminal process, the status of which is being strengthened and improved, which enhances the guarantee of protection of the rights and freedoms of the individual from the possibility of illegal actions and decisions of officials responsible for organizing and conducting investigations in criminal cases.

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