

On the role of lawyers in the system of judicial proceedings of the Republic of Uzbekistan

With gaining the independence of Uzbekistan the institution of legal profession in the Republic has undergone serious changes.

The legal profession (advokatura) in the Republic of Uzbekistan represents a legal institution dedicated to accomplish professional advocacy activity, to render qualified legal aid to citizens and legal persons, and everyone who needs it.

Lawyers participate in an explanation of the legislation and legal education of the population. In all its activity the advokatura serves the principles of legality, justice and humanism. Wherefore advokatura is a barometer of maturity of a society. How the institute of advokatura develops, with its scale and role in a society, its capabilities and skill to provide a legal aid to citizens and legal persons, it is judged in what degree a state is committed to the principles of democracy, humanism and to what extent the rights and freedoms of persons are fully and comprehensively provided.

One of the constitutional achievements of recent years in Uzbekistan, as in other countries of democratic orientation, has become an enshrining in the Fundamental law of following provisions «...Advokatura acts for rendering a legal aid to citizens, enterprises, establishments and organizations».

Besides during the years of independence in Uzbekistan there have been adopted the new legislative acts, including the Law «About advokatura» (1996), the Law «About guarantees for activities of lawyers and social protection of lawyers» (1998), in which guarantees for legal profession are provided for in accordance with «Basic principles on the role of lawyers» adopted in August 1990 at session of the UN General Assembly in New York.

These laws in aggregate empower lawyers with adequately extensive authority and capabilities for fulfillment of their functions by them in various areas of legal profession. The rights and powers of a lawyer stipulated by these legislative acts are sufficient for effective realization of legal profession.

For the first time in the history of development of the institution of advokatura in Uzbekistan independence and inviolability of a lawyer and his/her profession, his/her dwelling and place of work, means of his/her communication and movement have been legislatively proclaimed, possibilities of his/her detention, arrest, examination and a search have been limited. Also working conditions of lawyers, their opportunity for execution of duties under the law and realization of their powers are considerably facilitated.

Previously an appointment to the client has depended on the discretion of an investigator or a court, but the new legislation has essentially changed this situation and has facilitated possibilities of dialogue of a lawyer with a client.

In Uzbekistan, according to the current legislation, citizens notwithstanding sex, race, nationality, language, religion, social background,

belief, personal and social status, and as well as with higher legal education and bearing corresponding license have the right to be engaged in legal profession.

Basic rights and duties of a lawyer are enshrined in Article 53 of the Criminal Procedure Code of the Republic of Uzbekistan. Also the principle of equality of parties and competitiveness in legal proceedings, which allows lawyers to fulfill their functions effectively, is legislatively fixed.

Realization of judicial reform and further legal regulation of alternative ways of dispute settlement contributed to the increase in even greater attention to the activity of lawyers.

In this connection, with a view of further strengthening the independence of institution of legal profession, the Bar association of Uzbekistan was established in 1997, which consists of lawyers and organizations of lawyers engaged in legal profession in the territory of the Republic. The Bar association of Uzbekistan (BAU) corresponds to all established requirements of international standards and is an independent, self-governed, non-state, non-commercial organization in the form of public association.

Currently the establishment of regional branches of BAU in all territorial entities of the country is completed, which unite almost all lawyers engaged in legal profession at local level. Besides more than 3 thousand lawyers are engaged in rendering legal aid to the population of Uzbekistan.

With a view of wide coverage of its activity, BAU has founded the weekly newspaper "Advokat Press", which is issued in Uzbek and Russian languages, and also the specialized magazine "Advokat".

The Republic of Uzbekistan by supporting and developing the institution of legal profession, consistently follows a policy of construction of rule-of-law state. The legislation of Uzbekistan, which regulates the activity of legal profession, acts in full conformity with norms of the international law.