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Legal aid is now provided at the expense of the state!

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Abstract: In Uzbekistan, measures are being taken to ensure the rights and legal interests of citizens, to build a comfortable life for them, and to strengthen all this through legislation. This article examines to whom and when public legal aid is provided.

Key words: legal aid, legal aid at the expense of the state, register of lawyers, low-income persons, individuals with a mental disorder, the right to protection.

As you know, the nationwide election was held on April 30 of this year. Our people used their rights and duties to participate in participation, voted to approve the new Constitution of New Uzbekistan. Who is eligible for qualified legal aid is enshrined in the Constitution.

We know that laws and statutory documents must be in accordance with the Constitution. We can clearly see that the norms of the Constitution are reflected in the legislation in the Law of the Republic of Uzbekistan "On providing legal aid at the expense of the state" adopted on June 16, 2023. The law defines what legal aid is at the expense of the state, and defines qualified legal aid aimed at protecting the rights, freedoms and legal interests of individuals, provided in full or in part at the expense of the state in accordance with the procedures and conditions established by this law.

According to Article 8 of the Law, legal aid at the expense of the state is provided only by lawyers included in the register of lawyers providing legal aid at the expense of the State, while Article 9 lists the individuals who have the right to receive legal aid at the expense of the state:

- 1) low-income persons, if they are: plaintiffs or defendants in civil cases; applicants for administrative affairs; persons who have committed an administrative offense punishable by administrative imprisonment; if there are suspects, defendants, defendants, as well as convicts in criminal cases;
- 2) physical persons with a disturbed mental state, when they are provided with psychiatric care in accordance with the Law of the Republic of Uzbekistan "On Psychiatric Care";
- 3) natural persons whose rights have been violated, who appealed to the court in connection with the violation of the equal rights of women and men provided for in the Law of the Republic of Uzbekistan "On guarantees of equal rights and opportunities for women and men";
- 4) Suspect, accused or defendant, in the event that a lawyer is required to participate in a criminal case in accordance with the Code of Criminal Procedure of the Republic of Uzbekistan.

According to Article 11 of this Law, the cases for which legal assistance is provided at the expense

of the state are defined, which are as follows:

Legal assistance at the expense of the state shall be provided to the natural persons referred to in paragraph 1 of Article 9 of this Law in the following cases related to civil courts and administrative courts:

on the appointment and payment of social allowances and material assistance;

about reinstatement;

on the collection of wages;

about recovery of alimony;

on admission to the house, finding that he has lost the right to use the residence and relocation;

about compensation for damages caused due to disability at work or health damage in another way, as well as death of the breadwinner;

On compensation for the damage caused by the illegal actions of the pre-investigation bodies, inquiry, preliminary investigation, prosecutor's office and court in accordance with the procedure provided for in Article 991 of the Civil Code of the Republic of Uzbekistan.

Legal aid to low-income persons who have committed an administrative offense is provided at the expense of the state in cases where these persons have committed an administrative offense punishable by administrative imprisonment.

Legal aid at the expense of the state when psychiatric care is provided to individuals with a mental disorder:

diagnosis, treatment and rehabilitation;

application of coercive medical measures;

it is indicated during the forensic psychiatric examination in cases of criminal, civil and administrative offenses.

Legal assistance at the expense of the state is provided in the following areas of ensuring equal rights and opportunities for women and men:

in the field of public civil service;

in the exercise of electoral rights;

in the economic sphere and in business activities;

in labor relations;

in the field of social protection;

in the field of family relations and child education;

in education, science, culture and healthcare.

If a person remains a suspect, accused or defendant, legal aid will be provided at the expense of the state in accordance with the procedure provided by the Code of Criminal Procedure of the Republic of Uzbekistan.

If a low-income person is convicted, legal aid will be provided at the expense of the state in accordance with the law.

Also, according to Article 16 of the Law, individuals apply verbally, in writing or electronically to a specially authorized state body based on the principle of extraterritoriality in order to receive legal assistance at the expense of the state.

Individuals provide the following to receive legal assistance at the expense of the state:

application for legal aid at the expense of the state;

data on the passport of an individual who has the right to receive legal aid at the expense of the state (identification ID card);

in the event that an application for obtaining legal aid at the state's expense is submitted by a representative of an individual who has the right to receive legal aid at the expense of the state - a

power of attorney issued to the representative of the individual and (or) other documents confirming his powers, or in the cases provided for by the law, an individual entitled to receive legal aid at the expense of the state documents confirming the kinship relationship between an individual and his representative;

if the application is submitted by the legal representative or psychiatric institution of an individual with a disturbed mental state, who is receiving psychiatric assistance - a certificate of the psychiatric institution providing psychiatric assistance confirming that the individual is receiving psychiatric assistance;

in case the application is submitted by an individual who applied to the court in connection with the violation of their rights, the violation of equal rights of women and men - a certificate that the case related to the violation of equal rights of women and men is being considered in court.

The application for receiving legal aid at the expense of the state is registered in the "Legal aid" information system.

The information referred to in the fourth, fifth and sixth paragraphs of the second part of this article can be obtained independently in electronic form by a specially authorized state body within the framework of electronic information exchange between state bodies.

Previously, anyone who could afford it could use qualified legal assistance services. It can be said that this innovation in the legislation makes it possible for citizens to turn to the courts for legal protection of their rights, to ensure the right of protection at the pre-trial and court stages of the case, and to achieve efficiency in the work of lawyers.

This Law shall enter into force on September 18, 2023.