

PSYCHOLOGICAL AND LEGAL ASSISTANCE PROVIDED BY THE BAR

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ABSTRACT

The article examines in detail the essence and content of the activities of the bar, gives a brief description of the legal and psychological services of this legal proceedings.

Keywords: legal advice, lawyer, advocacy, citizen, legal assistance.

INTRODUCTION

The bar is a voluntary professional association of citizens that, in accordance with the procedure established by law, defends during a preliminary investigation, inquiry, in a court in criminal cases, in addition, it represents the interests of plaintiffs and defendants in civil cases.

The bar is a public self-governing organization, designed on the basis of the law to provide legal assistance to the population and organizations by advising on legal issues, drawing up various kinds of documents and business papers.

The bar occupies an important place in the system of law enforcement agencies and organizations. However, it is not a law enforcement agency, because. a lawyer does not have the power to enforce someone else's rights, he acts on a fundamentally different basis: he is a defender, i.e. protects. Protection is needed in order to prevent investigative and judicial errors of a special kind: criminal prosecution, trial and conviction of an innocent person or conviction of a guilty person under a law that provides for responsibility for a more serious crime than he actually committed or imposing an excessively severe punishment, and also in other cases. The elimination of such errors is the prerogative of officials and bodies responsible for the proceedings in a criminal case or exercising supervisory powers. The task of the defender is to draw the attention of competent officials to the committed investigative and judicial errors with his petitions, complaints, objections, explanations and demand their elimination.

By drawing attention in their petitions to gross violations of the law committed by police officers or investigators, lawyers contribute not only to eliminating errors in a particular case, but also to improving the style of work of law enforcement agencies.

The successful choice and implementation of the defense of the accused largely depends on the professional skills of a lawyer, on his ability to analyze the case materials, conduct interrogation, and formulate questions to experts. The defense counsel has various means by which he argues with the prosecution. He can, in particular:

- Draw the attention of the court to the lack of evidence underlying the accusation;
- Indicate that the version that refutes or casts doubt on the version of the prosecution has not been investigated;
- To refute the accusation by criticizing the evidence underlying it;
- To prove facts that are incompatible with those that substantiate the accusation.

The choice of course of action depends on the defender, who must take into account the evidentiary situation in the case.

However, it should be emphasized that the defense of the accused cannot under any circumstances turn into a defense of a crime. A lawyer may not, at the request of the accused, resort to unlawful methods of defense that do not comply with the rules of the process. Juggling of facts, their distortion, subjugation of witnesses or posing leading questions to them are completely excluded from the activities of a lawyer. As an official body of the Bar Association, it has the right to request various certificates, testimonials, papers on cases handled by consultation lawyers. Various officials and organizations are required to provide various materials at the request of the consultation.

Every citizen who turns to a lawyer has the right to a confidential consultation. But when giving advice and explanations on certain legal issues, a lawyer is required to draw up registration cards. These cards are documents of a statistical, financial and legal nature, serve as a means of ensuring the effectiveness of the work of a lawyer, because increase his sense of responsibility when giving legal advice. At the same time, some points of the registration card are questionable: the content of the question, the documents studied, the answer (with reference to the law) and the nature of the document drawn up. Filling out the card on these points creates the danger of disclosing the secret entrusted to the lawyer. An accountant and a cashier, any auditing bodies have access to an already completed registration card when paying for a consultation. But they are not responsible for maintaining attorney-client privilege. Thus, the purely technical design of a lawyer's work is in conflict with the rules of professional secrecy.

At the head of the legal advice office is a head appointed by the presidium, who:

- Organizes the work of legal advice,
- Concludes agreements with citizens on the provision of legal assistance,
- Distributes work among lawyers, taking into account their qualifications and their personal appeals,
- Establishes, in accordance with the instructions, the amount of payment for the work performed by lawyers, and also exempts from payment for legal assistance,
- Raises before the presidium the issue of encouraging lawyers,
- considers complaints against the actions of lawyers,
- Manages the means of legal advice in accordance with the esThe head of the legal advice office acts under the power of attorney of the Presidium of the Bar Association.

The Bar Association is provided with its own funds. These funds are formed from the amounts deducted by legal consultations from the payment for the provision of legal assistance. The amount of deductions to the collegium fund is established by the General Meeting, but cannot exceed 30% of the amounts received by legal advice. The board's funds are spent by the presidium in accordance with the approved budget. Contributions for state and social insurance are paid by collegiums in accordance with the current legislation.

States, official salaries, salary fund and cost estimates of lawyers are not subject to registration with the financial authorities. Bar associations are exempt from state and local taxes and fees.

Funds received by legal consultations from citizens and organizations for the provision of legal assistance to them do not form a profit, and therefore are not subject to income tax.

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