



FREE LEGAL ASSISTANCE IN CRIMINAL PROCEEDINGS

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Annotation: This article describes the content of qualified legal aid, which is provided in full or in part at the expense of the state in accordance with the established procedures and conditions, aimed at protecting the rights, freedoms and legitimate interests of individuals. In addition, it discusses a special electronic information system designed to attract lawyers to provide legal aid at the expense of the state to individuals recognized as low-income individuals and individuals randomly selected through the "Unified Register of Social Protection" information system, as well as to perform tasks provided for by law and not related to the provision of legal aid at the expense of the state.

Keywords: State-funded legal aid, register of lawyers, "Legal Aid" information system, contract for the provision of state-funded legal aid, application for state-funded legal aid.

The Law of the Republic of Uzbekistan "On the Provision of Legal Aid at State Expenses" No. O'RQ-848 dated 16.06.2023 and the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On Approval of the Regulation on the Procedure for Attracting and Remunerating Lawyers Providing Legal Aid at State Expenses" No. 774 dated 21.11.2024 have been adopted. These regulatory legal acts guarantee the right to receive free legal aid in criminal proceedings in the territory of Uzbekistan.

According to these regulatory legal documents, The following individuals are entitled to receive free legal aid at state expense:

low-income individuals, if they:

plaintiffs or defendants in civil cases;

applicants for administrative cases;

persons who have committed an administrative offense punishable by administrative imprisonment;

suspects, defendants, defendants, as well as convicted persons in criminal cases;

individuals with mental disorders, when they are provided with psychiatric care;

individuals who have filed a lawsuit against a violation of their rights or the equal rights of women and men;

The suspect, accused, or defendant, if the participation of a lawyer in a criminal case is mandatory in accordance with the Code of Criminal Procedure.

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





Legal aid at state expense when providing psychiatric care to individuals with mental disorders:

diagnosis, treatment, and rehabilitation;

applying coercive medical measures;

It is indicated during forensic psychiatric examinations in criminal, civil and administrative offense cases.

Legal aid at state expense shall be provided to suspects, accused or defendants in accordance with the procedure stipulated by the Criminal Procedure Code of the Republic of Uzbekistan[1]. Legal aid at state expense shall be provided to convicts who are low-income persons in the review of court sentences, rulings and decisions, as well as in resolving issues related to their execution[2].

To receive legal aid at the expense of the state, individuals apply to the justice department orally, in writing or electronically on the basis of the principle of extraterritoriality. Electronic applications for legal aid at the expense of the state are sent through the "Legal Aid" information system, having registered in the Unified Identification System (OneID). Oral and written applications for legal aid at the expense of the state are entered into the "Legal Aid" information system by the relevant justice department no later than the next business day after the day the application is received.

If an individual is not registered in the "Unified Register of Social Protection" information system, an application or request for legal aid at state expense will not be registered in the "Legal Aid" information system[3].

However, there are the following exceptions:

If, in accordance with Articles 51 and 52 of the Criminal Procedure Code of the Republic of Uzbekistan, the participation of a lawyer in a criminal case is mandatory, there is a decision of the inquiry officer, investigator, prosecutor or court ruling on the appointment of a defense attorney (lawyer);

if the application or request is submitted by the legal representative of an individual with a mental disorder who is receiving psychiatric care, or by a psychiatric institution;

Free legal assistance is provided in the event that an application or request is filed by an individual or a court who has applied to the court due to a violation of their rights or the violation of the equal rights of women and men, and it is not required to be registered in the "Unified Register of Social Protection" information account.

In the event of a refusal to provide legal aid at state expense, the justice department shall immediately notify the individual who applied for legal aid at state expense or the inquiry officer, investigator, prosecutor, court or authorized body (official) who sent the request, electronically or in writing, indicating the reasons for the refusal[4].

Regarding the issue of financing, the basis for financing legal aid at state expense is the submission of supporting documents by the lawyer to the





relevant justice department through the “Legal Aid” information system. When a lawyer providing legal aid at state expense is replaced or when the provision of legal aid at state expense is terminated or the proceedings are suspended in accordance with legislative acts, the lawyer is paid a fee for the legal aid actually provided at state expense[5].

All expenses for the services of a lawyer are covered by the state.

The amount of the fee is as follows (in relation to the basic calculation amount for each day of legal assistance provided):

a) during pre-investigation examination, inquiry, investigation, in court cases and when providing psychiatric care:

during the day–50 percent;

at night–75 percent;

weekends and holidays (non-working days) – 100 percent.

b) for participation in procedural actions related to the waiver of a defense attorney by the suspect, accused and defendant (calculated separately for each procedural action):

during the day–30 percent;

at night – 45 percent;

weekends and holidays (non-working days) – 70 percent.

d) For filing applications and complaints with the court:

regardless of the time taken–20 percent.

e) for business trips and transportation expenses (calculated for each day of legal assistance provided):

regardless of the time taken–25 percent.

In conclusion, it should be said that a lawyer providing legal aid at state expense is personally responsible for the reliability of the information indicated in the certificate on the provision of legal aid at state expense. The inquiry officer, investigator, prosecutor, court or other authorized body (official) that agreed on the part of the supporting documents regarding participation in the implementation of procedural actions is responsible for the agreed part of the information. District (city) departments of the Ministry of Economy and Finance are obliged to reimburse lawyers for the costs of providing legal aid at state expense in the established amounts and within the established deadlines.

List of references used:

1. Uralov S. Nekotorye voprosy realizatsii instituta preyuditsii v ugovolno-procesualnom zakonodatelstve Respubliki Uzbekistan //Obshchestvo i innovatsii. - 2024. - T. 5. – no. 2/S. - S. 62-65.
2. Saidjabbarova D. RECEIVING LEGAL ASSISTANCE-THE CONSTITUTIONAL RIGHT OF EVERY PERSON //Journal akademicheskikh issledovaniy novogo Uzbekistana. – 2024. – T. 1. – no. 15. – S. 160-163.





3. Akmalovich, AA (2024). Ensuring the Right to Defense of the Suspect and the Accused. *Miasto Przyszłości*, 54, 882-885.
4. Makhmasilyev, Nuriddin. "GENERAL BASES OF LEGAL ASSISTANCE BY A LAWYER IN CRIMINAL CASES: LEGAL ANALYSIS, PRACTICAL AND FOREIGN EXPERIENCE." *Modern Science and Research* 4.3 (2025): 1446-1452.
5. Yuldoshev, S. (2024). CONSTITUTIONAL BASIS OF GUARANTEES OF ADVOCACY ACTIVITIES. *Academic research in educational sciences*, (2), 254-259.

