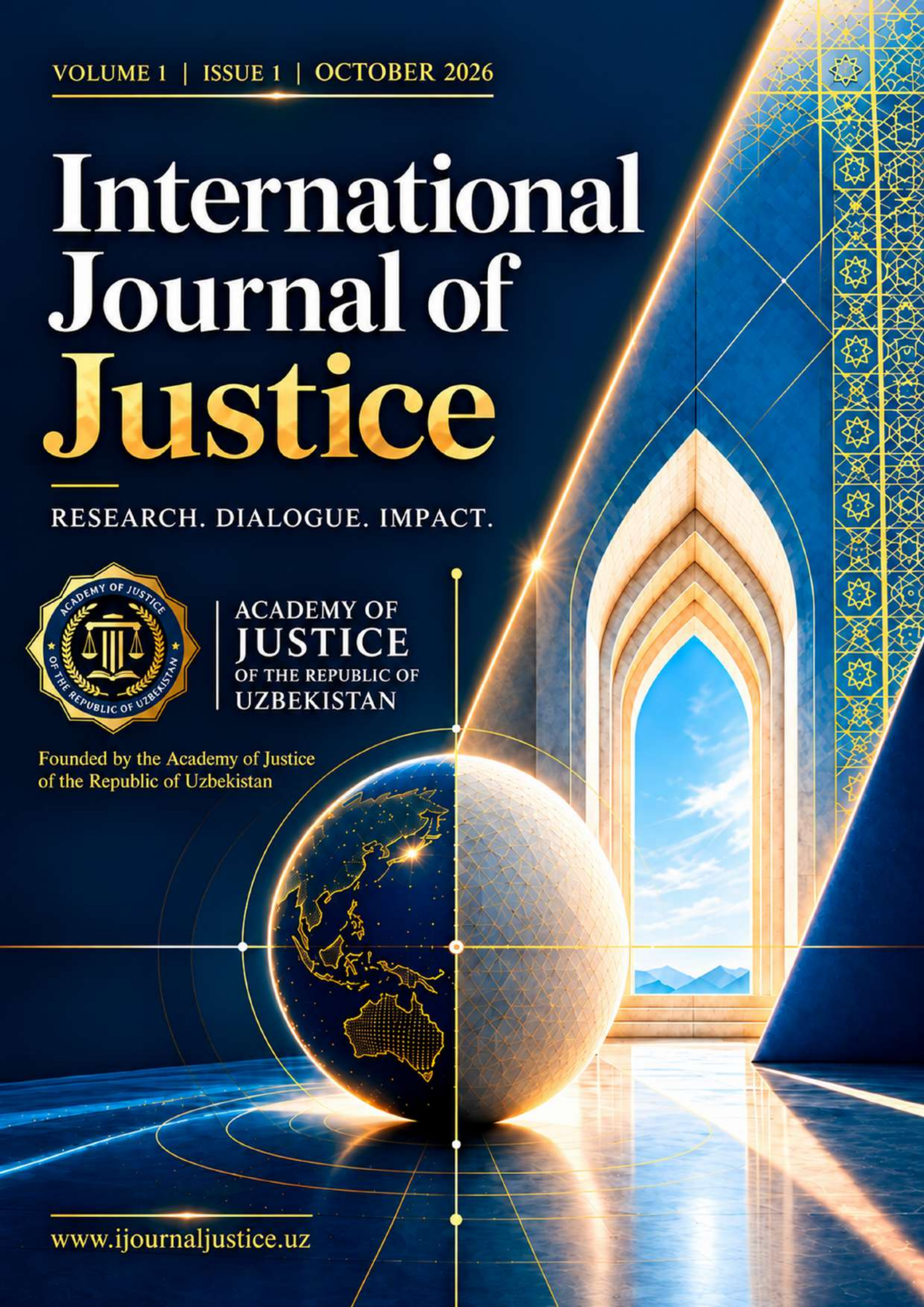
VOLUME 1 | ISSUE 1 | OCTOBER 2026

International Journal of Justice

RESEARCH. DIALOGUE. IMPACT.

ACADEMY OF JUSTICE OF THE REPUBLIC OF UZBEKISTAN

Founded by the Academy of Justice of the Republic of Uzbekistan



www.ijournaljustice.uz

EDITORIAL BOARD

International Journal of Justice



EDITOR-IN-CHIEF

Sherzod Yoqubjonovich Abduqodirov

Rector of the Academy of Justice of the Republic of Uzbekistan

Doctor of Sciences in Law (DSc), Associate Professor



DEPUTY EDITOR-IN-CHIEF

Nodirbek Saparbaevich Salaev

Vice-Rector of the Academy of Justice of the Republic of Uzbekistan

Doctor of Sciences in Law (DSc), Professor

MEMBERS OF THE EDITORIAL BOARD



Anselmo Reyes

Doctor of Philosophy (PhD) in Law, Professor

Judge of the Singapore International Commercial Court



Dilshod Urinbaevich Aripov

Doctor of Sciences in Law (DSc), Professor

Vice-Rector of the Academy of Justice of the Republic of Uzbekistan



Akrom Ikromovich Toshpulatov

Doctor of Sciences in Law (DSc), Professor

Director of the Parliamentary Research Institute under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan



Shakhriyor Bakhtiyorovich Bakaev

Doctor of Philosophy (PhD) in Law

Responsible Official of the Administration of the President of the Republic of Uzbekistan



Borzu Sabahi

Doctor of Sciences in Law (DSc), Professor

International Arbitrator



Dilshod Shavkatovich Israilov

Doctor of Philosophy (PhD), Associate Professor

Head Specialist of the Department for Coordination of Research Activities of the Academy of Justice of the Republic of Uzbekistan



Yesemurat Sultamuratovich Kanyazov

Candidate of Legal Sciences in Law (PhD)

Director of the Institute for Retraining and Advanced Training of Legal Personnel under the Ministry of Justice of the Republic of Uzbekistan



Yevgeniy Vyacheslavovich Kolenko

Doctor of Philosophy (PhD), Professor

First Deputy Head of the Law Enforcement Academy of the Republic of Uzbekistan



Krisztina Karsai
Doctor of Sciences in Law (DSc), Professor
Head of the Institute of Criminal Law and Criminal Sciences at the University of Szeged



Lorenzo Mateo Bujosa Vadell
Doctor of Philosophy (PhD) in Law, Professor
Professor at the University of Salamanca



Maged Mamdouh Kamel Shebaita
Doctor of Philosophy (PhD), Professor
International Arbitrator, Doctoral Candidate at the University of London



Ivan Georgievich Nikonov
Doctor of Philosophy (PhD) in Law
Responsible Official of the Administration of the President of the Republic of Uzbekistan



Malikakhon Pirnazarovna Kalandarova
Doctor of Philosophy (PhD), Associate Professor
Deputy Chairperson of the Supreme Court of the Republic of Uzbekistan



Islambek Rustambekovich Rustambekov
Doctor of Sciences in Law (DSc), Professor
Vice-Rector of Tashkent State University of Law



Sakari Kristian Melander
Doctor of Sciences in Law (DSc), Professor
Professor at the University of Helsinki



Khurshid Primkulovich Sadikov
Judge of the Supreme Judicial Council of the Republic of Uzbekistan



Sławomir Marek Redo
Doctor of Sciences in Law (DSc), Professor
Chairperson of the Expert Council for the Development of Scientific Research at the Faculty of Law and Administration



Vigita Vėbraitė
Doctor of Philosophy (PhD) in Law, Professor
Professor at Vilnius University



MANAGING EDITOR
Azamjon Rasuljon ugli Kambaraliev
Head Specialist at the Academy of Justice of the Republic of Uzbekistan

CONTENTS

IMPROVING THE INSTITUTION OF APPEALS: TIME LIMITS, RESPONSE QUALITY, MONITORING **10**
Achilova Liliya Ilkhomovna; Rozmetova Asal Anvarzoda

LEGAL ASPECTS OF INVESTIGATIVE JOURNALISM **18**
Jahonov Shohruh Shuhrat ugli

LEGAL BASIS OF CIVIL SOCIETY INSTITUTIONS IN THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN **25**
Sharipov Asrorjon Safar ugli

DIGITAL TRANSFORMATION OF INTERNATIONAL COMMERCIAL ARBITRATION IN UZBEKISTAN: LEGAL AND INSTITUTIONAL PROSPECTS **30**
Otakhonov Foziljon Khaydarovich

THE LEGAL NATURE OF SUBSIDIARY LIABILITY IN INSOLVENCY PROCEEDINGS INVOLVING AGRICULTURAL BUSINESS ENTITIES **39**
Rakhmatjon Tojinorovich Berdiyarov

CIVIL LAW ASPECTS OF GOODS DELIVERY BY SELF-EMPLOYED COURIERS **49**
Ruzinazarov Shukhrat Nuralievich

NATIONAL AND INTERNATIONAL EXPERIENCE IN LEGAL PROTECTION OF A COMPANY NAME: IMPROVING THE LEGISLATION OF UZBEKISTAN **63**
Allayarova Maftuna Almardanovna

ORGANIZATIONAL AND LEGAL MECHANISMS FOR COMPENSATION OF CONSTRUCTION CONTRACT DAMAGES **69**
Donayev Abduqodir Haydarovich

JURISDICTION AND VENUE OF CIVIL CASES ARISING FROM INHERITANCE RELATIONS: A NATIONAL AND FOREIGN ANALYSIS **76**
Soliyeva Kamola Rustamjon-qizi

ISSUES OF USING COURT NOTICES IN ENSURING THE OPENNESS OF CIVIL PROCEEDINGS IN COURTS **84**
Sabirov Erkinjon Kuchkarbaevich

DIGITAL EVIDENCE IN SUPPLY-CONTRACT DISPUTES BEFORE ECONOMIC COURTS: AUTHENTICATION, INTEGRITY AND EVIDENTIARY RISK IN UZBEKISTAN **91**
Mahmudova Saida Rayimjonovna

CONTENTS

FROM HUMAN CAPITAL TO INSTITUTIONAL TRANSFORMATION: A NEW STAGE IN THE STRATEGIC DEVELOPMENT OF THE JUDICIAL PERSONNEL TRAINING SYSTEM 104
Aripov Dilshod Urinbaevich

THE ROLE OF INTERNATIONAL STANDARDS IN GOVERNING ARTIFICIAL INTELLIGENCE IN JUDICIAL SYSTEMS: A COMPARATIVE AND CRITICAL ANALYSIS 109
Sadikov Khurshid Primkulovich

INDEPENDENCE — A SOLID FOUNDATION OF JUSTICE AND HUMAN DIGNITY (35 years of the evolution of the judicial and legal system of the Republic of Uzbekistan) 117
Israilov Dilshod Shavkatovich

INSTITUTIONAL MODELS OF JUDICIAL QUALIFICATION BOARDS: INTERNATIONAL STANDARDS AND FOREIGN EXPERIENCE 128
Jamolov Azizjon Nodir ugli

THE DEATH OF FREE WILL. WHO BEARS CULPABILITY WHEN ARTIFICIAL INTELLIGENCE INDUCES A PERSON TO COMMIT A CRIME? 140
Salaev Nodirbek Saparbaevich

ON EUROPEAN CRIMINAL-LAW INTEGRATION – FROM MUTUAL RECOGNITION TO LIMITED SUPRANATIONAL CRIMINAL POWER 148
Krisztina Karsai

CRIMINAL LIABILITY OF OFFICIALS OF NON-GOVERNMENTAL COMMERCIAL ORGANIZATIONS: PROBLEMS OF THEORY AND PRACTICE 158
Akramova Muazzam Turdikul qizi

DISTINGUISHING OFFENCES AGAINST SEXUAL FREEDOM FROM RELATED OFFENCES IN UZBEKISTAN 162
Achilov Izzat Tulkinovich

CRIMINAL-LAW MEASURES AGAINST THE LEGALIZATION OF PROCEEDS OBTAINED THROUGH MISAPPROPRIATION OR EMBEZZLEMENT: QUALIFICATION, EVIDENCE AND ASSET RECOVERY 170
Sadullaev Bokhodir Oybekovich

CONCEPT OF HELPLESSNESS AND ITS SIGNIFICANCE IN THE QUALIFICATION OF CRIMES 178
Khalilova Zarnigor Zafar qizi

LEGAL SIGNIFICANCE OF THE INSTITUTION OF CRIMINAL RECORDS IN PROTECTING HUMAN RIGHTS 182
Yoqubjonov Omonjon Burkhonjon ugli

CONTENTS

THE APPLICATION OF CRIMES WITH BLANKET NORMS: CURRENT STATUS AND ISSUES 189
Pulatov Bekzod Adilbaevich

THE FORMATION AND DEVELOPMENT OF THE INSTITUTION OF CRIMINAL LIABILITY IN THE FIELD OF PUBLIC PROCUREMENT: A HISTORICAL-LEGAL ANALYSIS 202
Shukurova Shahnoza Mukumjonovna

ATTORNEY'S PARTICIPATION IN THE PRE-TRIAL STAGE OF CRIMINAL PROCEEDINGS: LEGAL AND PRACTICAL ASPECTS 214
Medetbaeva Aksungul Sharapatdin kizi

INTERNATIONAL COOPERATION IN OBTAINING ELECTRONIC EVIDENCE: THE EUROPEAN PRODUCTION AND PRESERVATION ORDERS 221
Bujosa Vadell, Lorenzo Mateo

COOPERATION BETWEEN THE SUBJECTS OF INVESTIGATION IN CROSS-BORDER INTERNET FRAUD CASES 230
Khabibiddinov Nodirjon Musinjon ugli

PROBLEMS OF PROCEDURAL REALITY IN CRIMINAL PROCEEDINGS 238
Aykhan Khankishi Rustamzade, Matanat Pasha Asgarova

DETENTION OF FOREIGN NATIONAL PRISONERS IN PENITENTIARY INSTITUTIONS: A COMPARATIVE ANALYSIS OF INTERNATIONAL PRACTICES AND NATIONAL LEGISLATION 246
Rikhsimov Komron Abrorovich

CRIMINALISTIC FOUNDATIONS FOR INTEGRATING GAIT IDENTIFICATION WITH FORENSIC PORTRAIT EXAMINATION 249
Nizomova Shahrigul Karimboy qizi

INTERNATIONAL LAW CRISIS: UN PEACE OPERATIONS AND INSTITUTIONAL REFORM 258
Kudaybergenov Bakhtiyar Abdumajit-ugli

ARTIFICIAL INTELLIGENCE AND CHILDREN'S RIGHTS: PROTECTION OPPORTUNITIES AND EMERGING LEGAL RISKS 267
Ergashev Gayrat Shavkatovich

ACTIVITIES OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE FIELD OF HUMAN RIGHTS 276
Nosirova Marjona Negmat kizi

Academy of Justice of the Republic of Uzbekistan
International Journal of Justice

ATTORNEY'S PARTICIPATION IN THE PRE-TRIAL STAGE OF CRIMINAL PROCEEDINGS: LEGAL AND PRACTICAL ASPECTS

Medetbaeva Aksungul Sharapatdin kizi
Attorney of the "ADILLIK" law firm, Teacher of the training institute for lawyers under the Ministry of Justice,
PhD student of the Scientific research institute of forensic expertise under Republican Center of Forensic Expertise named after Kh. Sulaymonova under the Ministry of Justice of the Republic of Uzbekistan,
E-mail: aksumedetbaeva@gmail.com
ORCID ID: 0009-0007-1157-4359



Abstract. *The article analyzes the participation of an attorney in the pre-trial stage of criminal proceedings, their legal status, procedural powers as a defense counsel and representative, as well as specific practical issues regarding the exercise of defense. The study employed formal-legal, systematic, logical-legal, and comparative-legal methods, as well as the analysis of practical situations. It is substantiated that the early involvement of the lawyer, ensuring confidential communication with the client, collecting and presenting evidence, participating in matters regarding the appointment of an expert examination and the evaluation of an expert opinion, as well as an active stance on preventive measures, are key conditions for effective protection. It is shown that the exercise of the powers granted by law should not be limited to the formal presence of an advocate: it is advisable to formalize procedural positions in writing through petitions, complaints, comments, and other documents provided for by law. Taking into account international standards and foreign practice, proposals have been formulated to further strengthen the independence and efficiency of advocacy at the pre-trial stage.*

Keywords**:** *lawyer, defense counsel, criminal process, pre-trial proceedings, procedural rights, evidence, expert examination, preventive measure.*

In Clause II.2.2. of the "Concept for Improving Criminal and Criminal Procedure Legislation of the Republic of Uzbekistan" approved in accordance with the appendix by the Resolution of the President of the Republic of Uzbekistan dated May 14, 2018, No. PP-3723 "On measures for the radical improvement of the system of criminal and criminal procedural legislation" it is specifically noted that through the strengthening of procedural rights and powers of lawyers, it is necessary to implement the principle of mutual dispute between the parties, ensure their genuine independence, and expand the grounds for cases in which the participation of defense counsel in a criminal case is mandatory.

The issues of clarifying the powers and defining the legal status of advocacy structures, as well as ensuring the equality of procedural rights of the prosecution and defense parties in criminal proceedings, are defined as the main directions for further reforming the institution of advocacy in the Decree of the President of the Republic of Uzbekistan dated May 12, 2018, No. PD-5441 "On measures to fundamentally increase the efficiency of the institution of advocacy and expand the independence of lawyers" which testifies to the fact that these pressing issues are at the center of the country's leadership's attention and are of paramount importance.

The legal basis for the participation of a lawyer in criminal cases is the relevant norms of the Constitution of the Republic of Uzbekistan and the Criminal Procedure Code. In particular, the

Constitution of the Republic of Uzbekistan stipulates that the accused is guaranteed the right to defense; the right to receive qualified legal assistance at any stage of investigation and court proceedings. The main legal grounds for an advocate's participation in criminal proceedings are established in Article 53 and other articles of the CPC, as well as specific laws, and clarifications are provided in the resolutions of the Plenum of the Supreme Court. II. Participation of an attorney in the process of inquiry and preliminary investigation in criminal cases. The participation of a lawyer in criminal proceedings is of great importance in protecting the rights and freedoms of the individual, ensuring legality, and achieving a fair trial. The participation of a lawyer in criminal cases is one of the primary means of ensuring not only the right of the suspect or accused to defense but also the rule of law during investigative and judicial proceedings. The norms of the CPC grant the lawyer the right to participate in all stages of the criminal process. To participate in a criminal case as a defense counsel, an attorney must have a contract for the provision of legal assistance concluded between them and the person under their protection, and must also present an attorney's certificate and warrant. Appointment of defense counsel. In certain cases, when the participation of a lawyer is mandatory by law, an attorney may be appointed by the inquirer, investigator, or court, unless the suspect, accused, or defendant has entered into a contract with the lawyer themselves. This is especially important in cases where the individual is physically or mentally unable to self-protect. An attorney may participate in the case from the moment the suspect is detained, as well as from the moment the person is declared a suspect or a preventive measure in the form of detention is applied to them. This allows the lawyer to protect the rights of his client from the very beginning. Article 53 of the Code of Criminal Procedure grants the following rights to an attorney as a defense counsel:

Defender:

• to know what the person whose interests are being defended is suspected or accused of;

• to participate in a case after presenting a lawyer's certificate and a warrant confirming their competence to conduct a specific case;

• to participate in the interrogation of a suspect, to be present during the indictment of a person, and to participate in the interrogation of the accused, as well as in other investigative actions conducted with their participation, and to ask questions to suspects, accused persons, witnesses, experts, and specialists; to participate in other investigative actions with the permission of the inquirer or investigator;

• to submit written comments on the conduct of the investigative action in which they participated;

• collection and presentation of evidence in accordance with part two of Article 87 of this Code;

• to review documents related to procedural actions conducted with the participation of the suspect or accused, and after the conclusion of the inquiry or preliminary investigation, to review all materials of the criminal case and extract necessary information from them, to make copies of materials and documents using technical means at one's own expense, or to record the information contained therein in another form;

to familiarize oneself, in the manner prescribed by law, with information containing state secrets, commercial secrets, or other secrets if it is necessary for the implementation of defense; preliminary hearing of a case by a court

participate as a party in the proceedings and in the trial;

• appeal against the actions and decisions of the inquirer, investigator, prosecutor, and court;

• to familiarize themselves with the minutes of the court session and express their opinions on them; to learn about the complaints and protests filed in the case and to submit objections to them; to participate in the sessions of the court of appellate, cassation, and revision instances.

If a suspect, accused, or defendant is held in custody or under house arrest, the defense counsel has the right to meet with them privately without the permission of the state bodies and officials responsible for the criminal proceedings, without limiting the number and duration of meetings.

Forms and powers of participation of an advocate at the pre-trial stage

The status of a lawyer in criminal proceedings differs depending on the procedural status of the person being protected. In practice, an advocate may act as a defense counsel, representative of the victim, civil plaintiff, or civil defendant, as well as an advocate for a witness.

Attorney status	Main procedural task	Essential powers
Defender	Protection of the rights and interests of a suspect, accused, or defendant	Participation in interrogation and investigative actions, asking questions, collecting evidence, filing motions and complaints
Representative	Representing the interests of the victim, civil plaintiff, or civil defendant	Submit evidence, support or dispute a claim, file an appeal
Witness advocate	Protection of the rights and legitimate interests of a witness	Participate in the interrogation, provide advice, ask questions, and enter objections into the protocol

The powers of a lawyer as a defense counsel are the most extensive. He may participate in the case from the moment the suspect is detained or from the moment the person's freedom of movement is actually restricted. There are also cases where the mandatory participation of a defense counsel is provided for by legislation, covering cases involving minors, persons struggling to defend themselves independently, persons who do not speak the language of the court, crimes for which life imprisonment may be imposed, several persons with conflicting interests, cases involving a state or public prosecutor, and other circumstances established by law.

The active role of the defense counsel in the collection of evidence is of particular importance. In accordance with Article 87 of the CPC, an attorney may interview persons who possess information relevant to the case and, with their consent, obtain written explanations, as well as send inquiries to state

bodies, enterprises, institutions, and organizations to obtain certificates, character references, explanations, and other documents. These powers expand the evidentiary capabilities of the defense and ensure the practical expression of the principle of procedural adversarial proceedings.

Attendance of a lawyer as a representative

In criminal proceedings, an advocate may also act as a representative of the victim, the civil plaintiff, and the civil defendant. The main purpose of representation is the professional representation and protection of the rights and legitimate interests of the relevant procedural participant. As a representative of the victim, the lawyer enjoys the rights to present evidence, file motions and challenges, participate in investigative actions, review case materials, and appeal procedural decisions.

As a representative of a civil plaintiff, the lawyer has the authority to initiate and maintain a civil claim, present evidence, request measures to secure the claim, review the case materials, and appeal judicial acts related to the civil claim. The representative of the civil defendant enjoys the right to know the content of the accusation and civil claim, to object to the claim, and to provide explanations and evidence.

The witness's lawyer and their procedural guarantees

A witness's lawyer has a special procedural status in a criminal case. He is involved in the case from the moment the witness is summoned to protect the rights and legitimate interests of the witness and to provide them with the necessary legal assistance. The witness's lawyer may participate in the interrogation process, provide brief advice to the witness, ask questions with the permission of the person interrogating them, and at the end of the interrogation, demand that the witness's objections regarding the violation of their rights be recorded in the protocol.

The significance of this institution lies in the fact that, although a witness is not a defendant by procedural status, their testimony can subsequently be evaluated as evidence. Therefore, the legal assistance provided to the witness serves to ensure the voluntariness, legality, and procedural guarantees of their testimony.

The importance of a confidential meeting with a protected person

One of the most important practical tasks of a lawyer at the pre-trial stage is to hold a confidential meeting with the defendant without the participation of the investigative body or other officials. Such a meeting allows the lawyer to determine the true state of the case from the first source, understand the client's position, explain their rights and obligations, prepare for investigative actions, and develop a defense strategy.

In practice, the lawyer may be limited to a brief interview in the investigator's office or in the presence of other officials. Such a situation cannot be considered a completely secret meeting. The content of the defense requires free and reliable communication between the defense counsel and the defendant. Therefore, it is advisable for the lawyer, if necessary, to request in writing the creation of conditions for a confidential meeting.

In one of the practical situations, the lawyer was unable to meet with a person sentenced to administrative arrest in a special reception room before the court session. As a result, the person was not aware of the content of the filed complaint, what was required of him and what procedural position he should take in the court session. This situation indicates that a lawyer's meeting with the

defendant before the start of a trial or investigative action is necessary not only from an ethical perspective but also from the perspective of the effectiveness of the defense.

The role of the lawyer in appointing an expert examination and evaluating the expert opinion

In criminal proceedings, expertise is often used as a means of clarifying issues requiring specialized knowledge important to the case. Therefore, the active participation of the defense at the stage of appointing the expert examination may influence the subsequent evaluation of the evidence.

Article 179 of the CPC provides for the rights of the suspect, accused, and defendant related to the appointment of an expert examination. They have the opportunity to familiarize themselves with the decision to appoint an expert examination, challenge or recommend an expert, ask additional questions, and exercise other procedural rights. In this regard, the lawyer must document their timely familiarization with the decision to appoint the expert examination and, if necessary, submit additional questions and objections in writing.

The lawyer's activities do not end even after the expert opinion is received. The conformity of the conclusion with the questions posed, the completeness of the research, the competence of the expert, the methods used, the sufficiency of the initial data, and the logical validity of the conclusions must be verified. If procedural rights are violated during the appointment of an expert examination or if there are reasonable objections to the content of the conclusion, it is advisable to record them in the relevant procedural documents.

The active procedural position of a lawyer regarding preventive measures

Preventive measures are measures of procedural coercion that directly affect the rights and freedoms of a person in criminal proceedings. The active position of the lawyer is of particular importance when applying measures such as detention and house arrest.

According to the relevant provisions of the Criminal Procedure Code, there are procedural mechanisms for the application, modification, or cancellation of preventive measures. In particular, the CPC provides for the procedure for appealing decisions related to the application of a preventive measure in the form of detention, as well as the possibility of filing a motion to change or cancel the preventive measure. In each specific case, the lawyer must form a reasoned position by assessing the necessity and grounds for detention, the possibility of applying alternative preventive measures, the social and family status of the individual, and their procedural behavior.

Even in international standards, access to a lawyer is considered an important guarantee during the initial period of a person's freedom restriction. UN principles provide for ensuring access to legal assistance at all stages of criminal proceedings. The practice of the European Court of Human Rights shows the need for a real and effective activity of a lawyer at the initial stage, including the organization of defense and participation in the collection of evidence.

The results of the study show that the presence of a lawyer in criminal proceedings does not in itself mean effective protection. Effectiveness directly depends on how actively a lawyer exercises procedural rights, when they formulate a defense strategy, and how they document their position.

The first important thing is for the lawyer to get to work as early as possible. International standards and European judicial practice show

that restricting access to a lawyer at the initial stage can weaken the content of the right to defense.

In national practice, the active participation of a lawyer in the initial period after a person's detention or actual restriction of their liberty serves to prevent irreparable procedural consequences in the future.

The second important issue is the expression of the lawyer's procedural activity in writing. The legislation grants the lawyer the right to file motions, complaints, challenges, objections, and other procedural appeals. Written recording of the exercise of such rights is important for subsequently pointing out procedural violations in court, evaluating evidence, and justifying the defense's position.

The third issue is the lawyer's evidentiary activity. The defense must form its own evidentiary base through the methods provided by law, rather than linking evidence solely to the activities of investigative bodies. Foreign studies also note the influence of the quality of defense on procedural results, as well as the relationship between organizational conditions and the incentives of lawyers.

The fourth issue is the adherence of the lawyer to professional standards. In their activities, an attorney is obliged to comply with the requirements of legislation, the rules of professional ethics, attorney's secrecy, and the attorney's oath, and to use the means and methods provided by law to protect the rights and legitimate interests of the client. In this sense, establishing minimum practical standards for a lawyer in criminal cases and adhering to these standards in each case will help unify the quality of defense.

The fifth issue is the lawyer's attitude toward the examination and preventive measures. In these two areas, the passive position of the lawyer may later limit the possibilities of defense. An important part of a lawyer's professional activity should be familiarization with the decision to appoint an expert examination, formulating questions, expressing an attitude toward the expert, critically analyzing the conclusion, and filing a reasoned motion or complaint regarding the preventive measure.

Foreign scientific research also shows that the right to access a lawyer and the availability of effective remedies for its violation determine the real value of the right. For example, Anneli Soo found that the means used when the right to a lawyer is violated in the countries of the European Union differ significantly. This situation shows that in the national system, it is necessary not only to declare the procedural rights of a lawyer, but also to clearly define the consequences of their violation.

Furthermore, an empirical study by Huang, Chen, and Lin showed that the type of defense attorney can influence performance and defense strategy. This conclusion means that it is also important for national practice to ensure the lawyer's professional qualifications, independence, and opportunities to form a defense strategy.

The participation of a lawyer at the pre-trial stage of criminal proceedings is not a formal form of ensuring a person's right to defense, but a practical guarantee of the principles of legality, adversarial proceedings, and equality of the parties in criminal proceedings. The effective participation of a lawyer should not be limited to physical participation in investigative actions, but should include the active search and presentation of evidence, analysis of procedural documents, timely recording of offenses and consistent implementation of the defense strategy.

Based on the research, the following proposals can be put forward: first, to

strengthen practical guarantees for ensuring real and unhindered access to a lawyer from the first minutes of a person's actual detention or restriction of liberty; second, to improve the organizational mechanisms for ensuring a confidential meeting between the defense counsel and the defendant; third, to develop methodological recommendations for the uniform application of the lawyer's powers to collect and present evidence in practice; fourth, to strengthen practical standards for the participation of a lawyer in appointing an expert examination and evaluating an expert opinion; fifth, to develop standard methodologies for justifying a lawyer's complaints and petitions regarding preventive measures.

Furthermore, it is advisable to widely implement the professional standards adopted by the Chamber of Advocates for participation as a defense counsel in criminal cases, ensure regular professional development for lawyers, and develop their practical skills at the pre-trial stage. Such an approach serves to fill the procedural rights of a lawyer with real content, improve the quality of defense, and strengthen the guarantees of fair trial.

References

1. Decree of the President of the Republic of Uzbekistan No. PD-3723, dated May 14, 2018, "On Measures to Fundamentally Improve the System of Criminal and Criminal Procedure Legislation." National Database of Legislation of the Republic of Uzbekistan. Available at: Lex.uz.

2. Decree of the President of the Republic of Uzbekistan No. PD-5441, dated May 12, 2018, "On Measures to Fundamentally Improve the Efficiency of the Institution of Advocacy and Expand the Independence of Lawyers." National Database of Legislation of the Republic of Uzbekistan. Available at: Lex.uz.

3. Constitution of the Republic of Uzbekistan, adopted by referendum on April 30, 2023. National Database of Legislation of the Republic of Uzbekistan. Available at: Lex.uz.

4. Criminal Procedure Code of the Republic of Uzbekistan, adopted on September 22, 1994. National Database of Legislation of the Republic of Uzbekistan. Available at: Lex.uz.5. United Nations Office on Drugs and Crime. United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. New York, 2013, pp. 9-10.

5. European Court of Human Rights. Dayanan v. Turkey, no. 7377/03, Judgment of 13 October 2009.

6. Soo A. (Effective) Remedies for a Violation of the Right to Counsel during Criminal Proceedings in the European Union: An Empirical Study. Utrecht Law Review, 2018, vol. 14, no. 1, pp. 18-60.

7. Huang K.-C., Chen K.-P., Lin C.-C. Does the type of criminal defense counsel affect case outcomes? A natural experiment in Taiwan. International Review of Law and Economics, 2010, vol. 30, no. 2, pp. 113-127.

