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## **FEATURES OF THE PROVISION OF FREE QUALIFIED LEGAL ASSISTANCE BY LAWYERS**

***Аннотация:** in this article the author examines the features of the provision of free qualified legal assistance by lawyers. Analyzing the relevant legislative acts and application practice, the author examines the qualification requirements for lawyers providing free legal assistance, and also discusses the mechanisms of state support for this type of legal assistance. Particular attention is paid to the role of lawyers in ensuring access to justice for low-income citizens and protecting their rights and legitimate interests. The author identifies challenges and prospects for the development of a system of free qualified legal assistance in the context of modern social and legal changes.*

***Ключевые слова:** lawyers, free qualified legal assistance, access to justice, protection of rights, low-income citizens.*

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## **FEATURES OF THE PROVISION OF FREE QUALIFIED LEGAL ASSISTANCE BY LAWYERS**

***Abstract.** in this article the author examines the features of the provision of free qualified legal assistance by lawyers. Analyzing the relevant legislative acts and application practice, the author examines the qualification requirements for lawyers providing free legal assistance, and also discusses*

*the mechanisms of state support for this type of legal assistance. Particular attention is paid to the role of lawyers in ensuring access to justice for low-income citizens and protecting their rights and legitimate interests. The author identifies challenges and prospects for the development of a system of free qualified legal assistance in the context of modern social and legal changes.*

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Considering the right to receive free legal aid, it is necessary, first of all, to define such a concept as "free legal aid". This definition does not have a clear definition anywhere, but may indirectly follow from articles 1 and 6 of the Federal Law "On Free Legal Aid in the Russian Federation". Legal assistance is a special type of legal assistance provided by an authorized person free of charge and in such forms as legal advice (oral and written), drafting legal documents, representing the interests of citizens, courts, various state and municipal authorities, as well as in other forms not prohibited by law. This assistance is provided only to a certain number of people. These include military units supporting a special regime, units of paramilitary protection of the subject, as well as units of internal affairs bodies located on the territory of the city [3, p. 102].

Interestingly, article 1 of the Federal Law refers to qualified legal aid, while other articles of the law simply refer to free legal aid. This is probably the essential difference between legal aid provided free of charge and qualified assistance provided by lawyers on this list is mostly partially paid. when the difference in assistance is provided free of charge only in certain cases, under the conditions established by this law. the circle, in addition to the subjects of law of the main topic, which can also be determined on the basis of federal conditions for citizens, should receive only

free legal assistance on a gratuitous basis. This actually means that the subjects of the Federation can expand the range of persons to whom legal assistance can be provided free of charge.

The main objectives of the creation of a special law On free legal aid are fully formulated in paragraph 2 of article 1 of the above-mentioned law. These include:

- the establishment of conditions for the realization of the right of citizens to receive qualified legal assistance;
- on the creation and development of a state system of free legal aid and assistance to the development of non-governmental organizations;
- creating conditions for the realization of citizens' rights and freedoms.

The basic principles of providing free legal aid, which include the list specified in Article 5 of the Federal Law "On Free Legal Aid in the Russian Federation":

- on ensuring the implementation and protection of the rights, freedoms and legitimate interests of citizens;
- graphics of social justice and orientation;
- the release of the State or the system of free legal aid to a citizen who is not a State;
- equality equal access of citizens to state assistance;
- regarding the establishment of requirements for the professional qualifications of persons providing free legal assistance [1, p. 33]

These include military units supporting a special regime, units of the paramilitary protection of the subject, as well as units of internal affairs bodies located on

the territory of the city. In this regard, the role and role of small business in the country's economy should not be underestimated. Small enterprises, based on 2 main characteristics, the presence of risk and revenue, also perform a number of functions: general economic, social, innovative, resource and organizational.

However, I would like to note that training is usually related to the level and degree of professional preparedness of persons for each type of work, that is, in accordance with the requirements of the law, a person providing free legal assistance must have special knowledge. Since the law provides for a very broad nature of assistance, the qualification requirements for those who provide it may be low. However, if there is an oral or written consultation (as a type of legal assistance) or the preparation of legal documents, then the presence is a higher legal educational institution. These costs can also be reduced for employees of legal clinics, as "persons who thus study at the so-called legal stage of their profession in higher educational institutions for higher education."

The bodies providing free legal assistance include two systems: state and non-State. It is for this reason that there are two systems, because if we limit ourselves to one, for example, a member, which, according to A.A. Zyryanov, "Building a system of free legal aid based on the national state is not effective, since solving the problem of legal protection of the population is possible in a complex, involving all interested parties in state institutions"[4, p. 89]. It turns out that for this institute to work more effectively, the participation of the public and various non-profit organizations is necessary.

Article No. 7 of the Federal Law "On Free Legal Aid in the Russian Federation" states that individuals and legal entities that are participants in state and non-state systems of free legal aid, as well as any other person who has the right to provide such assistance in accordance with federal laws, laws of the subjects of the Russian Federation and municipal legal acts, provide free legal assistance in the Russian Federation. These include military units supporting a special regime, units of the paramilitary protection of the subject, as well as units of internal affairs bodies located on the territory of the city.

The Federal Law "On Free Legal Aid in the Russian Federation" provides for the following participants in the scheme (Part 1 of Article 15): – federal executive authorities; – institutions subordinate to the federal executive authority; – Executive bodies of state power of the Russian Federation; – bodies subordinate to the departments of the Russian Federation for executive power rights in connection with the activities of extra-budgetary institutions; – since national authorities can manage the implementation of these additional physical allocations; – The following national and legal tax authorities are listed in this regard.

Lawyers, notaries and others may also be eligible for free legal assistance. It turns out that the list of these items remains open. Some lawyers believe that the Commissioner for Human Rights in the Russian Federation and the Ministry of Justice of the Russian Federation can be added to this list of participants in the state system of free legal aid.

The State system is financed from the budgets of the Russian Federation and its

subjects.

Federal executive authorities and their subsidiaries, executive bodies of the constituent entities of the Russian Federation and their subsidiaries, management bodies of state additional allocations as participants in the free legal aid system.

These bodies provide citizens with free legal assistance in the form of:

- to receive legal advice, both oral and written, on issues within its competence, in accordance with the procedure established by the legislation of the Russian Federation for the consideration of citizens' appeals;
- on the preparation of applications, complaints, petitions and other legal documents for citizens;
- on representing the interests of citizens in courts, republican and municipal authorities and organizations.

However, not all citizens can be provided with legal assistance, but only advice. Free legal assistance can be provided only to citizens in need of state support [2, p. 188].

Since legal assistance to citizens is provided only on issues within the competence of these bodies, these issues should be clarified in regulatory acts. Because jurisdiction is determined by federal law. In this regard, the role and role of small business in the country's economy should not be underestimated. Small enterprises, based on 2 main characteristics, the presence of risk and revenue, also perform a number of functions: general economic, social, innovative, resource and organizational. But, unfortunately, these issues are often not resolved nowadays. The implementation

of an anti-terrorist operation results in a change in the nature of relations with the public, a change in the forms and methods of public administration in modern extreme conditions and, as a result, are accompanied by restrictions on constitutional rights and freedoms. In this regard, in order to ensure legality, the Federal Law "On Countering Terrorism" has been adopted, which establishes the procedure for the application and implementation of an anti-terrorist operation (regime), as well as a list of measures and deadlines for their application.

Закон предусматривает прямую обязанность органов исполнительной власти обеспечить оказание правовой помощи находящимся в конфликте с гражданами Российской Федерации лицам по прямому обращению или по прямым их жалобам в органы государственной власти или органы местного самоуправления, которые устанавливаются в ст. 33. статья Конституции Российской Федерации. В соответствии с Федеральным законом № 59–ФЗ «О порядке рассмотрения жалоб граждан Российской Федерации» в пункте 3 статьи 2 Федерального закона в органы государственной власти субъектов Российской Федерации «предусмотрена бесплатная работа органов государственной власти по обеспечению включения юридической помощи в понятие» право граждан на обращение «с учетом их свободы усмотрения [5].

Paragraph 4 of Article 17 of the Law On Free Legal Aid provides that the state legal capacity, formed in the form of municipal institutions, is considered as a legal entity of the Russian Federation. In accordance with the provisions of paragraph 1 of Article 120 of the Civil Code of the Russian Federation, the institution is a non-

profit organization established by the owner to perform managerial, social, cultural or other non-profit functions. Paragraph 2 of Article 120 of the Civil Code of the Russian Federation to ensure that an institution can be defined by a citizen or a legal entity, or by the Russian Federation, a subject of the Russian Federation or a municipal entity; or a State or municipal institution can be an independent, budgetary or national institution.

To receive legal assistance, a citizen must submit an application in a form that is certified by a federal public service agency, passport, income as a legal entity.

The decision to provide legal assistance is made by the head on the day the citizen submits documents to the national office. In this regard, the role and role of small business in the country's economy should not be underestimated. Small enterprises, based on 2 main characteristics, the presence of risk and revenue, also perform a number of functions: general economic, social, innovative, resource and organizational. The decision may not always be positive and in this regard there are a number of reasons that affect the refusal to provide legal assistance. The reasons are manifested in:

- failure to submit the necessary documents;
- the 2NDFL edits indicate the average per capita family income above or equal to the subsistence minimum;

The refusal to provide legal assistance may be challenged.

The conclusion of an agreement between an individual and a public institution is concluded by a positive decision on the provision of legal assistance.

The organization of legal clinics on the basis of educational institutions is also common, our BASHGU Law University is no exception, where students – future young specialists apply the acquired knowledge in practice, while helping people free of charge, thereby students receive new practice and additional knowledge, and people receive free legal assistance. This is a very important and necessary experience and benefits students, because it is in practice that you begin to understand everything. Theory is one thing, but practice is quite another. It is very good that there are clinics, students can actually learn a lot for themselves, and this will be useful to them in the future. The only problem is that the students do not have too much experience in solving legal problems. It is necessary to inform the person before providing assistance that his problem will be solved by the student. This is, of course, a significant problem for the client. After all, when it comes to yourself personally, I would like a specialist to deal with it, so that it would be a win.

Due to the current educational standards, the university must necessarily allocate a separate room for a legal clinic. The reception of the population will be held in this room. Basically, visitors to legal clinics are citizens who have enough free time, in many cases not even with particularly significant problems experiencing a lack of communication. A satisfied conversation between a lawyer and a client takes place most of the time in the form of a psychological level rather than a legal format. For a student who has not yet mastered the skills of psychological impact, business communication, such a communication format may form the wrong idea about his future professional activity.

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