

Issues of Expanding the Use of Information and Communication Technologies by Lawyers in Criminal Proceedings

Tulaganova Gulchexra Zaxitovna

Doctor of Legal Sciences, Professor Professor of the Department of Criminal Procedural Law at Tashkent State University of Law, E-mail: gulchexra.z.27@gmail.com

Annotation: This article examines the issues surrounding the expansion of information and communication technologies (ICT) in the activities of lawyers within criminal proceedings in Uzbekistan. It highlights the importance of integrating modern technologies into legal practice to enhance the efficiency, transparency, and accessibility of justice. The study analyzes the legal framework governing the use of ICT by lawyers, including constitutional provisions, legislative acts, and presidential decrees. It also explores international best practices from countries such as Germany, the United States, and Scotland, where digital technologies have been successfully implemented in legal processes. The article identifies challenges faced by lawyers in Uzbekistan, such as limited access to case materials, insufficient use of ICT, and bureaucratic obstacles. It proposes reforms, including amendments to the Criminal Procedure Code to allow lawyers to use photography, video, and audio recording devices for evidence collection, as well as the development of a legal framework for electronic evidence. The article concludes that the expansion of ICT in legal practice is essential for strengthening the legal profession, ensuring the protection of citizens' rights, and creating a more efficient and transparent legal system.

Key words: Information and Communication Technologies (ICT), Criminal Proceedings, Legal Profession, Electronic Evidence, Criminal Procedure Code (CPC), Adversarial Proceedings, Legal Reforms, Digitalization of Justice, Defense Lawyers, International Best Practices, Constitutional Guarantees, Self-Governance of Lawyers, Electronic Document Exchange, Right to Defense

Introduction

In recent years, Uzbekistan has made significant strides in strengthening the role of the legal profession as a cornerstone of judicial and legal reforms. These reforms aim to protect the rights, freedoms, and legitimate interests of individuals and legal entities. The Development Strategy of New Uzbekistan for 2022–2026 (Goal 19) emphasizes the need to enhance the potential of the legal profession, transition to a self-governing system, and integrate modern information technologies into legal practice. This includes reducing bureaucracy, implementing electronic document exchange, and expanding free legal aid. The Decree of the President of the Republic of Uzbekistan No. PF-5441 (May 12, 2018) further underscores the importance of adversarial proceedings and the independence of lawyers. The newly revised Constitution of Uzbekistan introduces a dedicated chapter on the legal profession, elevating its constitutional status and reinforcing principles such as legality, independence, and self-governance[1].

Methods

This study examines the legal framework governing the use of information and communication technologies (ICT) by lawyers in criminal proceedings. It analyzes constitutional provisions, legislative acts, presidential decrees, and government resolutions, including the Law “On Advocacy” (1996), the Law “On Guarantees of Advocacy Activities and Social Protection of Lawyers” (1998), and the Law “On the Provision of Legal Assistance at the Expense of the State” (2023). The study also reviews international practices, particularly in Germany and the United States, to identify best

practices for integrating ICT into legal processes. Additionally, it considers the recommendations of the United Nations Human Rights Council's Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, during his 2019 visit to Uzbekistan[2].

Results

The newly revised Constitution of Uzbekistan establishes the Bar as an independent, self-governing institution tasked with providing qualified legal assistance. Article 142 guarantees lawyers' immunity, the right to meet privately with clients, and protection from interference in their professional activities. The Criminal Procedure Code (CPC) outlines the powers of defense lawyers, including the right to collect and present evidence, access case materials, and participate in all stages of criminal proceedings[3].

Despite these advancements, lawyers face challenges such as the lack of adherence to procedural deadlines, insufficient access to case materials, and limited use of ICT. Requests from lawyers to state bodies are often ignored, and the absence of clear guidelines for electronic evidence collection hinders effective defense.

International best practices show that Germany's Criminal Procedure Code allows electronic submission of documents to police, prosecutors, and courts. Efforts are underway to develop online crime reporting systems, improve audio recording in courtrooms, and enhance electronic communication between legal institutions. In the United States, video conferencing is widely used in criminal trials, and guidelines for electronic evidence collection ensure the admissibility of digital evidence in court. In Scotland, plans to transition to a fully digital evidence storage system highlight the global trend toward digitization in legal practice. In light of these examples, it is proposed to amend Article 53 of the CPC to explicitly allow lawyers to use photography, video, and audio recording devices for evidence collection[4].

Additionally, a legal framework for the use of scientific and technical tools in criminal proceedings should be developed, ensuring their admissibility in court. Expanding electronic document exchange between lawyers, courts, and law enforcement agencies using e-ID for secure authentication is also a critical step toward modernizing the legal system[5].

Discussion

In recent years, significant efforts have been made in our country to strengthen the role and importance of the legal profession as a crucial component of judicial and legal reforms aimed at ensuring the protection of the rights, freedoms, and legitimate interests of individuals and legal entities. Within the framework of the Development Strategy of New Uzbekistan for 2022–2026, Goal 19 outlines the following priorities: fundamentally enhancing the potential of the legal profession in protecting human rights, freedoms, and legitimate interests, as well as fully meeting the demand of the population and business entities for qualified legal services. This includes transitioning the legal profession to a fully self-governing system, increasing the accountability of the Bar Association's governing bodies to the legal community, attracting young and qualified professionals to the system, and establishing modern and effective mechanisms and institutional foundations for improving the qualifications of lawyers. Additionally, the strategy emphasizes the introduction of modern information technologies into legal practice to reduce excessive bureaucracy and paperwork, implementing electronic document exchange with courts, law enforcement agencies, and other state bodies. It also aims to expand the scope of free legal aid, ensuring that citizens and businesses can access notarial and civil registration services without unnecessary delays, including through remote means and the "single window" principle. These issues have been given special attention in the strategy[6].

In particular, the Decree of the President of the Republic of Uzbekistan No. PF-5441, dated May 12, 2018, consistently implemented measures aimed at ensuring the proper functioning of the principle of

adversarial proceedings at all stages of judicial proceedings and established the necessary legal framework for lawyers to carry out their professional activities. In our country, special attention is paid to fundamentally increasing the efficiency of the legal profession, improving the self-governing bodies of lawyers, and enhancing the activities of legal institutions. Systematic measures are being implemented to create the necessary constitutional space and legal foundations for a stable and effective legal profession. The main goals and objectives of the laws are to establish a strong legal profession that fully meets the requirements of modern social development, ensure the rule of law in the administration of justice, support lawyers, protect them from various pressures, improve their social security and financial well-being, encourage their professional development, and ensure strict adherence to professional ethics, among other things[7].

Additionally, a new, separate chapter titled "Advocacy" has been introduced in the newly revised Constitution of the Republic of Uzbekistan. In the "Uzbekistan – 2030" strategy, transitioning the advocacy institution to a self-governing system and ensuring its genuine independence from state bodies and other structures has been designated as Goal 88.¹ At the same time, the statement that "... there are numerous tasks ahead in strengthening the advocacy institution"² has been identified as one of the priority objectives for improving the judicial and legal system, highlighting the necessity of comprehensive reforms in this field.

In the newly revised Constitution, the status of the legal profession has been further strengthened, with the document being supplemented by Chapter 24, titled "The Bar". The inclusion of a separate chapter on the legal profession, similar to the prosecution service, has elevated its constitutional status[8].

Analyzing the provisions related to the legal profession in the newly revised Constitution, it is established that the Bar operates to provide qualified legal assistance to individuals and legal entities. The activities of the Bar are based on the principles of legality, independence, and self-governance. The organization and functioning of the Bar are determined by law. The constitutional reinforcement of the principles of legality, independence, and self-governance in the Bar's activities ensures that legal practice is conducted strictly in accordance with the law.

According to Article 5 of the Law "On Guarantees of Legal Practice and Social Protection of Lawyers," the independence of a lawyer is ensured through the legal procedures governing the authorization, suspension, and termination of legal practice, the lawyer's immunity, the prohibition of demanding the disclosure of attorney-client privilege, accountability for interference in a lawyer's work or violation of their immunity, and state-guaranteed legal protection and social security[9].

Self-governance in the legal profession means that lawyers engaged in private legal practice in Uzbekistan manage their activities through a non-governmental professional association, and state interference in their governance is not permitted. Currently, the Bar Association of Uzbekistan, together with its regional branches in the Republic of Karakalpakstan, provinces, and Tashkent city, forms a unified self-governance system for the legal profession.

According to Article 142 of the newly revised Constitution, interference in a lawyer's professional activities is not permitted while they perform their duties. Lawyers are ensured the conditions to meet freely and privately with their clients and provide legal counsel without obstacles. The lawyer, their honor, dignity, and professional activities are under state protection and safeguarded by law. The

¹ Presidential Decree No. PF-158 of the Republic of Uzbekistan dated September 11, 2023, approving the "Uzbekistan – 2030" Strategy // National Database of Legislative Information, September 12, 2023, No. 06/23/158/0694.

² Mirziyoyev Sh.M. "We Will Steadily Continue the Path of Democratic Reforms Based on the New Uzbekistan Development Strategy." Speech by the Newly Elected President of the Republic of Uzbekistan, Shavkat Mirziyoyev, at the Joint Session of the Chambers of the Oliy Majlis Dedicated to the Inauguration Ceremony // Xalq So'zi, November 7, 2021.

constitutional establishment of the principle that a lawyer's professional activities must remain free from interference serves as a key factor in creating a strong legal profession[10].

This provision represents the constitutional expression of the idea that “no authority shall obstruct the activities of lawyers.” This norm ensures that lawyers can engage in legal debate on equal footing with prosecutors during judicial proceedings. By preventing interference in the process of gathering and presenting evidence, the legal profession's standing is further reinforced. The freedom and guarantees of legal practice facilitate the work of lawyers, ensuring the reliable protection of the lawful rights and interests of those they defend.

The laws of the Republic of Uzbekistan, including the Law No. 349-I “On Advocacy” dated December 27, 1996, Law No. 721-I “On Guarantees of Advocacy Activities and Social Protection of Lawyers” dated December 25, 1998, and Law No. O’RQ-848 “On the Provision of Legal Assistance at the Expense of the State” dated June 16, 2023, as well as several presidential decrees such as Decree No. PF-3993 “On Further Reforming the Advocacy Institution in the Republic of Uzbekistan” dated May 1, 2008, Decree No. PF-5441 “On Measures for Radically Increasing the Efficiency of the Advocacy Institution and Expanding the Independence of Lawyers” dated May 12, 2018, Decree No. PF-6012 “On the Approval of the National Strategy of the Republic of Uzbekistan on Human Rights” dated May 12, 2018, Decree No. PF-60 “On the Development Strategy of New Uzbekistan for 2022–2026” dated January 28, 2022, and Decree No. PF-158 “On the Uzbekistan – 2030 Strategy” dated September 11, 2023, as well as numerous government resolutions such as Resolution No. 112 “On the Organization of the Activities of the Chamber of Lawyers of the Republic of Uzbekistan” dated May 27, 2008, and Resolution No. 432 “On Approving the Regulation on Licensing Advocacy Activities Through a Special Electronic System” dated August 5, 2022, have been the basis for significant work in this field[11].

Furthermore, the United Nations Human Rights Council’s Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, visited Uzbekistan on an official mission from September 19 to 25, 2019. During his visit, he emphasized the need for significant efforts to ensure that the judiciary is genuinely independent from other branches of state power and to guarantee that judges, prosecutors, and lawyers can carry out their professional activities without undue interference or pressure. He also highlighted the importance of strengthening the status and independence of lawyers.³

Moreover, in the course of handling criminal cases, the requests submitted by lawyers to various organizations to effectively protect the rights and interests of individuals and legal entities are often ignored, primarily by officials of state bodies. Clear procedures and deadlines for reviewing lawyers' requests are not adhered to, and accountability is established for knowingly providing false or incorrect information. Lawyers are ensured the right to meet with their clients in special rooms without audio or video surveillance and without the presence of third parties, at their convenience and without any obstacles. To carry out their professional activities, lawyers have the right to bring computers, mobile phones, and other communication devices into court buildings without hindrance, except for closed court sessions. The use of these devices inside the courtroom should not disrupt the court proceedings. Lawyers' requests for obtaining certificates, descriptions, and other documents or their copies from state and other bodies, as well as enterprises, institutions, and organizations, necessary for providing qualified legal assistance, must be fulfilled within a maximum of fifteen days from the date of receipt, except for information constituting state secrets or other secrets protected by law.

³ Within the framework of the 44th session of the United Nations Human Rights Council held in Geneva, on July 13, 2020, the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, presented a report on the outcomes of his official visit to Uzbekistan in 2019. <https://sud.uz/sud-huquq-tizimidagi-islohot/>

The Constitution of the Republic of Uzbekistan enshrines the fundamental rights and freedoms of citizens. According to their classification, they are divided into personal rights and freedoms, socio-economic rights, and political rights. The right to defense is among the personal rights and freedoms. Article 28 of the Constitution of the Republic of Uzbekistan states, "Every person accused of committing a crime shall be considered innocent until proven guilty in accordance with the law and through an open court process. All conditions for the accused to defend themselves shall be ensured in court." This constitutional provision guarantees every person's right to defense. As a rule, this right is exercised through lawyers, who provide qualified legal assistance on any legal matters, participate in criminal, civil, economic, and administrative cases, and protect the interests of the individuals who seek their help. It should be noted that the lack of defense for suspects, accused, and defendants can be grounds for annulling or changing the verdict in criminal cases. When some individuals cannot afford legal services, the state provides such assistance free of charge, which is also one of the constitutional guarantees of the right to defense[12].

"Our legislation is creating all the necessary foundations for the effective functioning of lawyers. However, unfortunately, the legal profession has not yet become a reliable institution for protecting citizens' rights. Therefore, we need to implement additional measures to further enhance the role and place of the legal profession in the judicial and legal sphere and expand its powers."⁴ At the same time, analyses show that the legal profession has not yet become a trusted institution for protecting rights, and there are several factors hindering the full realization of lawyers' rights and the provision of quality legal assistance.

As President Sh.M. Mirziyoyev has emphasized, it is well known that the scope of legal services provided by lawyers must be expanded. In particular, it is necessary to enhance such services in areas such as assisting entrepreneurs in obtaining permits, representing clients before state authorities, resolving disputes before trial, providing legal services related to labor law, and improving legal literacy. This is because reforming the legal profession, strengthening its role in society, and expanding lawyers' powers are among the top priorities today.

The Criminal Procedure Code of Uzbekistan defines the primary powers of a defense attorney, which include providing legal assistance to individuals suspected or accused of committing a crime, protecting their rights and legal interests, and ensuring compliance with the law during investigations, pre-trial proceedings, and the administration of justice. A defense attorney must adhere to legal regulations, including the laws "On the Bar" and "On Guarantees of Legal Practice and Social Protection of Lawyers." In accordance with these laws, a lawyer must uphold the principles of independence, professional ethics, attorney-client privilege, and professional oath while using all legal means and methods not prohibited by law. An accused, suspect, or defendant personally selects their defense attorney, or this selection can be made by their close relatives, legal representatives, or trusted individuals. Once a contract is signed between the lawyer and the individual in need of defense (or their representative), the lawyer presents an order to the investigator, prosecutor, or court to confirm their authority to represent the client and provides their attorney certificate. From that moment, the lawyer officially participates in the case as a defense attorney[13].

If an investigator or judge has legal grounds to prevent a specific lawyer from acting as a defense attorney in a case, they must provide clear and detailed reasons in their decision. The investigator's decision can be appealed to the prosecutor, and the court's ruling can be appealed to a higher court by the suspect, accused, defendant, or defense attorney. The law does not prohibit a suspect, accused, or defendant from having multiple defense attorneys. Similarly, a single defense attorney may represent

⁴ The Decree of the President of the Republic of Uzbekistan dated May 12, 2018, No. PF-5441, "On Measures to Fundamentally Improve the Effectiveness of the Institution of the Bar and Expand the Independence of Lawyers." <https://lex.uz/docs/3731060>.

multiple individuals in a case, provided their interests do not conflict. If a defense attorney realizes that their clients' interests are in conflict, they must immediately request to withdraw from representing one of them by informing the investigator or court. A defense attorney may continue their representation throughout all stages of the criminal case, from initiation to conclusion, depending on the wishes of the person they are defending.⁵

According to newly introduced amendments, the process of a suspect, accused, or defendant waiving their right to a defense attorney must now be recorded on video. Additionally, procedural actions such as detaining a person, conducting personal searches, and seizing property during the detention process must also be recorded on video. Furthermore, when a person is subjected to a procedural coercive measure or held in custody, their relatives must be immediately informed. A defense attorney does not have the right to voluntarily abandon a case or terminate their defense. After reviewing the case materials, the defense attorney must fully explain the rights and obligations of the client, considering the nature of the case, and discuss the defense strategy, methods, and tools with the defendant. The lawyer must openly express their opinion to the client and together determine the most effective defense approach[14].

The defendant has the right to discuss defense strategies and legal opinions with a trusted person. However, the lawyer is obliged to maintain the confidentiality of any information disclosed by the defendant during the defense process.

A defense lawyer, on the contrary, is required to maintain the confidentiality of any information provided by the person under their protection. If the lawyer identifies any grounds preventing their participation in a particular case, they must submit a request for recusal to the investigator, prosecutor, or judge in accordance with Article 79 of the Criminal Procedure Code (CPC). Any actions aimed at obstructing a lawyer from taking on the defense of a suspect, accused, or defendant—including threats, coercion, intimidation, or pressure on their family, relatives, acquaintances, or property—are legally punishable. A defense lawyer has equal rights with the prosecutor in criminal proceedings and operates in accordance with the principle of adversarial proceedings. However, if a lawyer interferes with the proper administration of justice by destroying or falsifying evidence, manipulating witnesses, or engaging in other unlawful actions, they will be held legally accountable[15].

The CPC of Uzbekistan specifies cases where the participation of a defense lawyer is mandatory. However, some investigators interpret this requirement narrowly, believing that fulfilling the obligation to ensure the presence of a defense lawyer means merely appointing one for the accused, without properly informing them of their fundamental procedural right to choose their own lawyer. In some cases, this explanation is provided to the accused and their legal representatives merely as a formality and at an inappropriate time, depriving them of the genuine opportunity to select a lawyer of their choice. In certain situations, courts should, in our opinion, mandate the presence of a defense lawyer during both the investigative and judicial stages, even when a civil plaintiff or their representative—especially if that representative is a legal consultant or an attorney—is involved. Moreover, although it is an uncomfortable truth, our society still includes individuals who cannot properly read or write and lack basic literacy skills. Since criminal case materials are primarily recorded in written form, addressing this technical deficiency in the protection of their interests is of urgent importance.

Currently, individuals with insufficient literacy skills are not legally classified as persons entitled to mandatory legal representation because "illiteracy" is not considered a physical or mental disability. Therefore, it would be reasonable to introduce a legal provision stating that "in criminal cases

⁵ Legal Issues of Advocacy and the Practice of Law. Tulaganova G., Qodiraliyev S. 2022. <https://library-tsul.uz/advokatura-va-advokatlik-faoliyatining-huquqiy-masalalari-tulaganova-g-qodiraliyev-s-2022/>

involving individuals with insufficient literacy or low intellectual capacity, the participation of a defense lawyer is mandatory." Additionally, in cases involving minors, courts often consider the participation of their legal representatives sufficient and do not require the appointment of a defense lawyer. However, the Supreme Court of Uzbekistan has repeatedly emphasized that the right of minors to legal defense must not be treated as a mere formality, but as a fundamental legal guarantee that must be upheld.⁶

In practice, disputes often arise regarding the age of transition. This is because individuals who committed a crime while still minors may reach adulthood by the time of the preliminary investigation or court proceedings. Some investigators and judges take a formalistic approach to this issue, ignoring the clarification provided by the Supreme Court of the Republic of Uzbekistan, which states that "if a person committed a crime as a minor but reached adulthood during court proceedings, the court may, considering the nature of the crime, the circumstances of the case, and the personality of the accused, deem the participation of a defense lawyer mandatory based on the legal provisions applicable to crimes committed by minors[16].

It is well known that if there are mental or physical disabilities, the accused must be provided with a defense lawyer. Undoubtedly, conditions such as deafness, blindness, or muteness leave no room for debate in this matter. However, an accused person may also have hidden or less apparent physical or mental disabilities. If the accused's parents or relatives raise concerns about such conditions, a forensic medical or psychiatric examination must be conducted accordingly. The results of this examination will help correctly resolve the issue.

If physical or mental disabilities are discovered after the charges have already been brought and certain procedural actions have been conducted, what should be done? In our view, the investigator should immediately involve a defense lawyer and conduct interrogations and investigative actions requested by the defense lawyer and the accused.

Another important issue arises: if a case involves a public prosecutor rather than a state prosecutor, can the court proceed without involving a defense lawyer? The answer lies in the essence of the law, which rejects such a possibility. A public prosecutor fully performs the prosecutorial function, and the absence of a defense lawyer in such cases would negatively impact the accused's right to defense. Expanding the scope of cases where the participation of a defense lawyer is mandatory provides an additional guarantee for ensuring the accused's right to defense. Furthermore, it is known that appointing a defense lawyer at the state's expense only occurs in cases where the participation of a lawyer is required under Article 50 of the Criminal Procedure Code of Uzbekistan. In such cases, the state covers the costs of the legal assistance provided by the lawyer[17].

Additionally, a defense lawyer may be invited at the request of the suspect, accused, defendant, their legal representatives, or other persons with their consent. If the suspect, accused, or defendant requests a defense lawyer, the investigator, prosecutor, or court must ensure the lawyer's participation in the case. If the chosen defense lawyer is unable to participate in the case within 24 hours, the investigator, prosecutor, or court may recommend that the suspect, accused, or defendant, or their relatives, invite another defense lawyer or request the appointment of one from a law office, bar association, or law firm.

Notably, a defense lawyer who participated in the preliminary investigation cannot be replaced by another lawyer unless the defendant consents. Additionally, if a suspect, accused, or defendant refuses legal representation during procedural actions due to the lawyer's absence, any oral or written statement confirming such a refusal is invalid. A waiver of legal representation is only legally binding

⁶ G. P. Sarkisyants. "The Defense Lawyer in Criminal Proceedings."* Tashkent, 1971. Article 13.

if expressed in the presence of another lawyer and when there is a real opportunity for the lawyer to participate in the case.

It is essential to emphasize that after signing a contract with a lawyer for legal assistance in criminal proceedings—whether at the stage of inquiry, preliminary investigation, or court proceedings—the person retains the right to refuse the defense lawyer or engage additional lawyers at any time. However, individuals who enter into a contract with a lawyer to protect another person's rights (such as a close relative, friend, or acquaintance) do not have the same right. This is because, in such cases, the defense lawyer directly protects the legal rights and interests of the suspect, accused, or defendant. Therefore, replacing, dismissing, or engaging additional defense lawyers is only possible with the consent of the accused.

"An attorney, in their professional activities, must adhere to the requirements of current legal regulations, the rules of legal ethics for attorneys, and the attorney's oath, while utilizing the legal means and methods provided by the law to protect the rights and legitimate interests of individuals and legal entities who have sought legal assistance[18]."

An attorney who is providing legal assistance or has previously provided legal assistance to individuals whose interests conflict with those of the person requesting legal assistance, such as a judge, prosecutor, investigator, interrogator, public prosecutor, court secretary, expert, specialist, victim, civil plaintiff, or civil defendant, or if the attorney has a personal interest in the case, is not permitted to accept the assignment to provide legal assistance. Similarly, if the attorney's relative holds an official position in the investigation or court proceedings, or if the attorney is directly or indirectly personally interested in the outcome of the case, and such interest conflicts with the client's interests, the attorney cannot accept the assignment.

An attorney must not misuse their authority to benefit the person whose interests they are representing, nor can they refuse to defend the suspect, accused, or defendant without the express consent of the person who has entrusted them with the defense. Attorneys must continuously improve their knowledge and skills. They are required to undergo professional development at least once every three years, as specified by the Bar Association.

An attorney assigned to a criminal case cannot refuse to provide legal assistance to a person on the grounds of their inability to pay. According to Article 51, Part 3 of the Criminal Procedure Code of the Republic of Uzbekistan, "If, in the cases provided for in this article, a defense lawyer has not been appointed by another person at the request or with the consent of the suspect, accused, or defendant, the head of the regional office of the Bar Association shall appoint a lawyer to the case. The appointment must occur no later than four hours after the decision or ruling has been received by the Bar Association's regional office."

The right to legal defense is a constitutional principle, enshrined in Article 27 of the Constitution of the Republic of Uzbekistan. The accused is granted several procedural rights to exercise their constitutional right to defense. Using these rights, the suspect or accused can fully or partially reject the charges and protect their rights and legitimate interests through specific procedural actions, which are part of the defense's powers[19].

Legal assistance in criminal proceedings is provided regardless of whether other persons are involved. Specifically, the protection is carried out by specially appointed persons, i.e., defense lawyers. Additionally, protection is carried out during preliminary investigations, inquiries, prosecution, and trial by the relevant authorities.

Currently, electronic document exchange in the legal profession is well-established. Looking at the experience of some foreign countries, Germany's Criminal Procedure Code now includes key provisions regarding the use of digital technologies in criminal proceedings. These regulations were

developed in the federal states' legislation, and as of January 1, 2018, any individual can submit documents to the police, prosecution, or courts in electronic form.⁷ However, the requirement for all paper documents in criminal case materials to be mandatory remains in effect until January 1, 2026.⁸

In particular, Germany is taking measures to develop an online service for reporting crimes to the police, expanding the powers of investigative judges, and improving the audio recording systems for court hearings. Additionally, efforts are being made to establish a DNA database for individuals facing criminal charges, enhance electronic communication systems between courts, prosecutors, and police at both the national and international levels, and improve the possibilities for electronic legal consultations and court translation services.

In the United States, the involvement of attorneys and the use of video conferencing in criminal investigations and trials is of particular importance. Initially, video conferencing was introduced in the United States for criminal trials, and it is now used at all stages of the criminal process.⁹

The current state and functioning of the electronic document circulation system in the legal field allows participants to use official documents for evidence in accordance with Rule 27 of the Federal Criminal Procedure Code. This criminal procedural rule also references Rule 44 of the Federal Civil Procedure Code, which ensures the collection of official documents as evidence through a unified method.¹⁰ In the United States, the procedures for proving the use of digital evidence in criminal cases are detailed in the guidelines for attorneys regarding the search and collection of electronic evidence.¹¹

In Scotland, attorneys are planning to completely abandon paper formats in their activities related to criminal case evidence collection and instead utilize a system for storing digital evidence.¹²

In Germany, the organization and activities of the legal profession are regulated by specific legislative acts, including the Federal Law on Advocacy, adopted on August 1, 1959, and the Federal Regulation on Payment for Legal Services, adopted on July 26, 1957. An attorney can only practice law in the court to which they are assigned. In some exceptional cases, based on the interests of fair justice, an attorney may be granted permission to work in other courts. However, an attorney who is authorized to practice law in the German Federal Supreme Court is not allowed to practice law in any lower courts without exception. In Germany, there is a practice of providing free legal services to the public, and the payment for these services is made from the federal budget.

When studying the experiences of foreign countries, numerous opinions, discussions, proposals, and recommendations arise. It is important to examine both the positive and negative experiences of other countries. Therefore, in the context of criminal proceedings, especially with the digitization of each stage, it is essential for us to continually expand the use of electronic technologies in the activities of attorneys in our country. For this reason, we believe it is necessary to develop new legal foundations for electronic criminal proceedings.

⁷ Gesetz zur Einführung der elektronischen Akten in der Justiz und zur weiteren Förderung des elektronischen Rechtsverkehrs vom 05. Juli 2017 // BGBl. 2017. I. № 45. S. 2208.

⁸ For example, consider the following provisions: § 41a (processing of applications and materials submitted to the court); § 58a, 168, 168a, 168b, 168c (inclusion of interrogation protocols in criminal case materials); § 271-274 (transcription of court hearings recorded using audio and video recording systems); § 275 (issuing court decisions in electronic document form), and others.

⁹ R. Madaliev. "The Importance of Using Videoconferencing in Judicial-Investigative Activities" // Available at: <https://uzjournals.edu.uz/proacademy/vol1/iss1/38>

¹⁰ Federal Rule of Criminal Procedure. Proving an Official Record. December 1, 2017. — URL: <https://www.law.cornell.edu/rules/frcrmp> (Accessed on: 20.10.2018).

¹¹ Searching and Obtaining Electronic Evidence Manual. 2009 // United States Department of Justice. URL: <http://cybercrime.Gov/ssmanual/05ssma.html>.

¹² URL: http://www.publiccontractsscotland.gov.uk/Search/show/Search_View.aspx?ID=FEB310609.

Conclusion

The expansion of ICT use by lawyers in criminal proceedings is a critical step toward strengthening the legal profession and ensuring the protection of citizens' rights. By addressing legal gaps, improving technical infrastructure, and providing training, Uzbekistan can create a more efficient and transparent legal system. The proposed reforms, including amendments to the CPC and the development of a legal framework for electronic evidence, will enhance the ability of lawyers to provide effective defense and uphold the principles of justice and fairness.

According to Part 2 of Article 87 of the Criminal Procedure Code (CPC), the collection and presentation of evidence include the right to familiarize oneself with documents related to procedural actions conducted in the presence of the suspect or accused. After the completion of the inquiry or preliminary investigation, the defense lawyer has the right to review all case materials, take necessary notes, obtain copies of documents at their own expense using technical means, or record the information in another form.

If necessary for the defense, the lawyer may access information containing state, commercial, or other legally protected secrets, following the procedure established by law. The lawyer also has the right to participate as a party in preliminary court hearings and court proceedings, file complaints against the actions and decisions of the investigator, prosecutor, and court, review the court session protocols and provide comments, be informed of appeals and protests in the case, and express objections regarding them. Additionally, the lawyer has the right to participate in the sessions of appellate and cassation courts.

It is recommended to amend Part 1 of Article 53 of the Criminal Procedure Code by adding the following provision: "A lawyer has the right to use photography, video, and audio recording devices in the process of collecting evidence."

A separate legal provision should be developed to regulate the use of scientific and technical means in the evidentiary process. It should define that evidence collection, examination, and evaluation in criminal proceedings must utilize special software-equipped scientific and technical tools that are purposefully designed, adapted, and composed of general technical means.

During pre-investigation checks, inquiries, and preliminary investigations, the responsible official collecting, examining, and evaluating evidence may use scientific and technical tools either at their own initiative or at the request of the defense lawyer. The participation of an expert or specialist should be allowed in accordance with the provisions of the Criminal Procedure Code. The use of scientific and technical tools during investigative actions should be recorded in the corresponding procedural and investigative protocols, as well as in the court session records.

To facilitate the work of defense lawyers, expanding their ability to use information and communication technologies should be prioritized. This includes: **Email:** Can be used to enable participants in the criminal process to access case materials electronically, submit applications, complaints, and motions to investigators, prosecutors, and courts, and receive notifications about the results of their consideration.

IP Telephony: Can be used by investigators to conduct remote questioning of experts and obtain expert consultations. It can also be utilized to ensure that suspects or accused individuals can access legal defense services. **Electronic Case Management System:** Establishing a unified electronic system for managing criminal cases and expanding electronic document exchange between law enforcement agencies. Additionally, lawyers should be provided with the opportunity to submit and access evidence in electronic format. To ensure authentication and secure access, the use of an electronic passport (e-ID) should be considered.

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