



RESEARCH ARTICLE

Functional Recognition of the Bar in The Implementation of the Right to Free Legal Assistance in Ukraine

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ABSTRACT

The main purpose of the article is to determine the place and functional purpose of advocacy in the mechanism for ensuring and implementing the right to free legal assistance in Ukraine. The methodological basis of scientific work is a set of general and special scientific methods and techniques of cognition, which are used in an integrated manner to solve the problems posed in the research work. Methods of classification and grouping made it possible to systematize legal assistance in Ukraine, as well as the functional component that the Institute of Defense (as a professional association of lawyers in Ukraine) plays in the process of realizing the right to legal assistance. The use of the comparative legal method, as well as synthesis and analysis, turned out to be useful in determining the role and place of the institution of protection in terms of realizing the right to free legal assistance in comparison with other legal institutions. The conclusion is substantiated that the function of the state in matters of human rights is most fully manifested in the practical activities of the institution of protection and only partially in the activities of other entities providing legal assistance.

INTRODUCTION

The current state of development of statehood in Ukraine is characterized by the extremely rapid introduction of a number of reforms into the national legal system by the country's government. Their content should correspond to the European concept of values and standards for the protection of human rights, taking into account the chosen vector of our country's movement towards joining the European Union and the official enshrining in the Preamble of the Constitution of Ukraine "the irreversibility of the European and Euro-Atlantic course of Ukraine" (Law of Ukraine, 1996). At the same time, it should be noted that the accession of our country to the countries of the European Union requires the fulfillment of a number of conditions and

recommendations put forward by experts of the European Commission, including: implementation of the principles of the rule of law, respect for individual rights and fundamental freedoms, legal certainty and the right to a fair trial, and especially, the presence of functioning democratic legal institutions. Undoubtedly, a prominent place in the human rights system is occupied by the socio-legal institution - the Bar of Ukraine, the main purpose of which is the implementation and provision of qualified legal assistance to broad sections of the population, the protection of human and citizen rights and freedoms.

LITERATURE REVIEW

In the legal literature devoted to advocacy, it is customary to emphasize the control and stimulating function inherent in advocacy, the essence of which is to encourage other state bodies to work hard, in accordance with the spirit of the law (Pikulya, 2004), because it plays the role of a lever between different branches to a certain extent authorities, acting as a kind of "buffer", so to speak, which balances the human rights interests of civil society with the needs and capabilities of the state (Zavalnyi, 2017). Under such circumstances, there is no doubt that the legal profession in the modern legal system acts as one of the tools of self-limitation of state power, directing its activities to the fulfillment of the constitutional function of the state - the realization and protection of human rights and freedoms.

It is appropriate to cite the position of S.O. Shatravy, who notes that the lawyer realizes the subjective interest of the person he represents, in order to exercise the functional rights and obligations assigned to him, determined by the norms of substantive law. On the other hand, a lawyer's interest in an administrative case in the process of providing free secondary legal aid is always characterized not only by private interest, but also by a state-legal and social component, as it stems from the competence, purpose, functions and professional and special powers entrusted to him by law, defined in the Laws of Ukraine "On the Bar and Practice of Law" (Law of Ukraine, 2012) and "On Free Legal Aid" (Law of Ukraine, 2011) (Shatrava and others, 2022: 311). A.I. Zuyeva, through the prism of legal personality, examines the activity of a lawyer, which is the main qualitative characteristic that determines the possibility and ability of a subject of law to transform into a subject of specific legal relations. In this context, the lawyer is the bearer of the entire aggregate set of subjective rights and legal obligations, enshrined in the legislation on the bar and practice of law (Zuyeva, 2023: 55). P. Valko proves in the scope of his scientific work that the essence of professional legal assistance provided by a lawyer involved in the provision of free legal assistance remains aimed at helping to ensure the rights, freedoms and legitimate interests of individuals (Valko, 2020: 8). In general, scientists emphasize the importance of the existence of the advocacy institute in ensuring the implementation and protection of the basic rights and freedoms of a person and a citizen through the prism of free legal aid. Therefore, the confidence of each individual citizen in the protection of their rights, freedoms, interests and their activities depends on the quality of the organization of the legal system of Ukraine, the legally defined proper conditions of legal practice in our country. From this, the conclusion is indisputable: the legal profession is not only an indicator of the socio-legal development of the country, regardless of its political system and social formation, but also acquires important strategic importance for the European community in order to create an effective mechanism of control by society over the activities of the state in the field of rights protection a person.

The main purpose of the article is to find out the place and functional purpose of advocacy in the mechanism of ensuring and implementing the right to free legal aid in Ukraine. In order to realize the defined goal of scientific work, it becomes necessary to carry out the following research tasks: first, to find out and consider the scientific positions of scientists regarding the understanding of the content of advocacy activities; secondly, to reveal the content of the legal profession institute regarding the realization of the right to free legal aid in Ukraine.

RESEARCH METHODOLOGY

The methodological basis of scientific work is a set of general scientific and special scientific methods and techniques of cognition, which are comprehensively used to solve the tasks set in the researched work. The methods of classification and grouping provided an opportunity to systematize free legal aid in Ukraine, as well as the functional component performed by advocacy institute (as a professional association of lawyers of Ukraine) in the process of realizing the right to free legal aid. The use of the comparative legal method, as well as synthesis and analysis, were useful in determining the role and place of the advocacy institute in terms of the realization of the right to free legal aid compared to other legal institutions. With the help of the epistemological method, it was possible to deepen the conceptual apparatus of the investigated issues. It is also appropriate to note that thanks to the existing methods of law, it was possible to analyze the functional purpose of the legal profession in the implementation of the right to free legal aid in Ukraine.

RESEARCH RESULTS AND DISCUSSION

The Strategy for the Development of the Justice System and Constitutional Judiciary emphasized the strengthening of the guarantees of advocacy and ensuring the availability of free legal aid, which would take into account the most fundamental provisions of universally recognized international covenants on human rights, in the part that deals with legal aid and professional protection for 2021-2023, approved by the Decree of the President of Ukraine dated June 11, 2021 No. 231/2021 (Decree of the President of Ukraine, 2021). In particular, in order to introduce a systematic approach to the improvement of the institution of advocacy in Ukraine, it is necessary to ensure: strengthening of guarantees of advocacy, its types and professional rights of advocates, improvement of self-governance of the advocacy; expansion of opportunities for access to state registers and databases when practicing advocacy; specifying the grounds, procedures for bringing a lawyer to disciplinary responsibility and the procedure for appealing the decision to bring such responsibility; introduction of the institute of simplified disciplinary proceedings; improvement of the procedure for consideration of complaints against the lawyer's actions; revision of the requirements for acquiring the right to engage in advocacy, the introduction of a transparent procedure for conducting a single qualification exam, training of candidates, the procedure for maintaining the Unified Register of Advocates of Ukraine (Decree of the President of Ukraine, 2021).

As correctly noted by V.M. Stalovyrov, the main purpose of the existence of the bar, as an institute of professional protection and representation, is to provide legal assistance to everyone who needs it. Increasing the effectiveness of modern advocacy, high-quality level and availability of legal assistance for all segments of the population are the main tasks that the state government and the legal community must solve together (Stalovyrov, 2017: 131).

In fact, the National Strategy in the field of human rights stipulates that everyone in Ukraine has access to a fair and effective trial by an independent and impartial court, effective mechanisms for the execution of court decisions, and this in turn is ensured by the appropriate level of awareness of citizens regarding the right to free legal aid; the share of centers for providing free secondary legal assistance, in which architectural accessibility is ensured for persons with disabilities and other groups of the population with reduced mobility; a share of centers for providing free secondary legal assistance, in which information accessibility is ensured for persons with disabilities and other groups with reduced mobility (Decree of the President of Ukraine, 2021).

Advocacy in Ukraine as a professional legal activity did not arise and take shape immediately. It went through a long historical path before it became organizationally formalized and legislated as

an independent legal institution (Sviatotska, 2010: 15), despite the fact that the need for legal assistance and qualified employees with knowledge and skills in the field of law, existed during all times of civilized society. The fact that "the path to the formation of the Ukrainian bar was particularly difficult and long, various attempts were made to find better forms and methods of its organization, and in view of the current state of legislation on the bar, they continue to this day," rightly emphasized by A.V. Ivantsova in her thesis (Ivantsova, 2010: 9). In fact, this thesis does not lose its relevance and modernity, taking into account the constant changes that the national legislation is undergoing, which regulates the procedure for the functioning of the bar and lawyers' activities on the territory of Ukraine.

In view of the beginning of a qualitatively new stage in the development of the Ukrainian bar as a human rights institution, which would correspond to the current socio-political and economic state of the country and take into account the European system of values, especially those related to the standards of human rights protection and the provision of free legal aid, we consider it necessary to focus on clarifying a number of issues related to the determination of the legal nature, place and functional purpose of advocacy in the exercise of the right to free primary and secondary legal assistance.

To begin with, we note that in the modern understanding, advocacy can be considered as a multifaceted meaningful social and legal phenomenon, taking into account certain features and all the specifics caused by the functional and organizational foundations of the latter. At the same time, this category is in the field of study and research of more than one educational science and field of knowledge, which also proves its complex and interdisciplinary nature. In the vast majority of cases, legal scholars (general theory of law, procedural branches of law), specialists-scientists of non-legal specialties (political and historical sciences) direct their creative searches and efforts to: a) studying the functional and organizational foundations of the Ukrainian Bar; b) study of the procedural status of a lawyer as a representative in administrative, civil and economic proceedings, as well as the peculiarities of his participation as a defender in criminal proceedings and in cases of administrative offenses during the study of issues of procedural representation and the function of protection; c) establishment of the place of advocacy in the political system and systems of public and judicial power in Ukraine, etc.

Of certain theoretical and practical interest are the separate points of view of scientists regarding the definition of the functional orientation of the modern Ukrainian bar, which allow us to reflect the most general idea of the essence and content of this socio-legal institution in the field of providing free legal aid to low-income and poorly protected members of civil society. For example, in the scientific literature on this matter, it is sometimes noted that the concept of "advocacy" in Ukraine is polysemantic and is used in five main meanings, namely, as: 1) the activity of a lawyer to provide certain types of legal assistance; 2) profession, which characterizes the type of usual occupation of a person; 3) the organizational form of the association of members of the bar association, which consists of all lawyers of Ukraine who have the right to practice law; 4) legal science; 5) educational legal discipline (Ivanytskyi, 2016: 116).

The definition of the essence of the category "advocacy" (from the Latin word "advocatus" - "inviting", "calling") in the modern interpretative guide to legal terms indicates two key features of this definition: first, it is a voluntary professional association; secondly, it is designed to promote the protection of rights and freedoms and to represent the legitimate interests of Ukrainian citizens, foreign citizens, stateless persons, and legal entities, as well as to provide other legal assistance to the above-mentioned persons. Advocacy operates to ensure the right to protection from prosecution and the provision of legal assistance when resolving cases in courts and other state bodies (Honcharenko, Andrushko, Bazova and others., 2004: 12).

The position of scientists regarding the allocation of the general tasks of the legal profession in accordance with its constitutional status appears to be fair, namely: 1) protection of the rights, freedoms and legitimate interests of citizens and legal entities; 2) representation of the interests of citizens and legal entities both in relations with the state and among themselves; 3) representation of the interests of individuals and legal entities in courts and other state and law enforcement bodies; 4) provision of legal assistance to individuals and legal entities, state and public institutions (associations); 5) increasing the level of awareness of the population in the legal field (Gel, Semakov, Kondrakova, 2004: 243-244). Despite the changes and additions made to the Basic Law of Ukraine since the formulation of this position, it still remains acceptable and does not contradict modern constitutional norms that affect the functioning of the legal profession in Ukraine. V.V. Zaborovsky defines the advocacy as: a) a professional association of persons (lawyers), whose activity is aimed at ensuring the proper implementation of the constitutional right of a person to receive professional legal assistance; b) a constitutional and legal human rights institution of civil society, which occupies an independent and one of the leading places in the mechanism of the administration of justice, without its professional and independent activity, the possibility of the existence of both civil society and the rule of law as a whole is called into question (Zaborovsky, 2017: 8). Other researchers point to the human rights status of the bar as an institute that carries out activities on a professional basis (Arakelyan, 2014: 155), emphasizing that the human rights function of the state is most fully manifested in the practical activities of the bar institute and only partially in the activities of others legal aid subjects. It is no coincidence that the Ukrainian lawmaker officially recognized and established the status of the legal profession in a separate legislative act, outlined the system of admission and competitive examination of the qualifications of candidates for the position of lawyers, as well as the mechanisms of appropriate control over the legal profession. On the other hand, the provision of legal assistance by other specialists in the field of law is free from legal restrictions and state control. It seems that the absence of special legislation on the provision of legal assistance by other persons (legal experts, business lawyers or other categories of unlicensed lawyers) means that the state does not prohibit receiving legal assistance from persons who are not granted the legal status of a lawyer, however, and not encourages it.

Speaking about the modern institute of advocacy, I.M. Pereverza claims that it functions on the principles of self-government, independence and non-statehood; it is an organization of professional lawyers; designed to protect and represent the interests of individuals and public groups; and legal assistance provided by lawyers is one of the important guarantees of human rights protection, the implementation of which is ensured by the mechanisms of the human rights system of the state and civil society (Pereverza, 2016: 1). T.B. Vilczyk, conducting a comparative analysis between the institutional advocacy and other bodies and officials empowered to provide legal aid, proved in her dissertation that the bar and practice of law in the constitutional and legal sense is the main institution for providing legal aid in Ukraine. The latter scientist considers it as a special legal institution in relation to the general one - the institution of legal aid, which regulates the activities of all subjects of law regarding the provision of legal aid in Ukraine, it is its special and most important component (Vilczyk, 2016: 15). Despite the variety of bodies and persons who provide qualified legal assistance, none of them can replace advocacy. The vast majority of subjects can provide it only in relation to certain aspects of the legal system, while the activity of the advocacy is characterized by universality (Ivantsova, 2010: 6). Therefore, the authors' definition of the main function of the Bar Association, as a professional association of lawyers of Ukraine, should be recognized as a key characteristic of the presented judgments - the provision of professional legal assistance both on a paid and free basis.

Thus, being an integral component of the legal system, the bar today is actually the only institution that provides at the professional and qualified levels: 1) provision of legal information, consultations and clarifications on legal issues, legal support for the activities of legal entities and

individuals, state authorities, local self-government bodies, the state; 2) drawing up statements, complaints, procedural and other legal documents; 3) protection of the rights, freedoms and legitimate interests of a suspect, accused, defendant, convicted, acquitted, a person in respect of whom the application of coercive measures of a medical or educational nature is envisaged or the issue of their application in criminal proceedings is being resolved, a person in respect of whom the issue of extradition to a foreign country is being considered to the state (extradition), as well as to a person who is brought to administrative responsibility during the consideration of a case on an administrative offense; 4) provision of legal assistance to a witness in criminal proceedings; 5) representation of the interests of the victim during the consideration of the administrative offense case, the rights and obligations of the victim, civil plaintiff, civil defendant in criminal proceedings; 6) representation of the interests of individuals and legal entities in courts during civil, economic, administrative and constitutional proceedings, as well as in other state bodies, before individuals and legal entities; 7) representation of the interests of individuals and legal entities, the state, state authorities, local self-government bodies in foreign, international judicial bodies, unless otherwise established by the legislation of foreign states, statutory documents of international judicial bodies and other international organizations or international treaties, consent to the obligation the validity of which is granted by the Verkhovna Rada of Ukraine; 8) provision of legal assistance during execution and serving of criminal penalties (Law of Ukraine, 2011).

Taking into account the specified legal norm, we can state that in relation to the state and society, the legal profession occupies an autonomous position, since it turns into a tool for ensuring the protection of both the interests of the state and civil society. However, by providing legal protection to the public and providing legal assistance to individuals and legal entities (including on a free basis), the bar, as the most organizationally and professionally prepared institution, in our opinion, performs, along with the aforementioned areas of advocacy, additional legal education and warning function.

If the legal educational function in the process of advocacy is aimed at increasing the general level of law-abiding citizens, the development of their legal culture and legal awareness, then the preventive function allows to warn in advance the subject of law, who uses the services of a lawyer, about the development of the legal situation in the future, to predict the occurrence negative legal consequences in a specific case.

The Rules of Advocate Ethics, the norms of which clarify and specify the legislation on the bar and practice of law, also contain a rule that requires an advocate to be as independent as possible in the performance of professional rights and duties, obliges him to resist any attempts to encroach on his independence (Rules, 2017). The Findings of the International Bar Association particularly emphasizes the need to support the independence of the legal profession, but at the same time emphasizes that no state should tolerate the complete independence of the legal profession, like any other profession in modern society. In the same Findings, the independence of the legal profession is considered in several areas, such as: 1) independence from the influence of the state, which means interference in the relationship between the client and the lawyer, which prevents the latter from fulfilling their professional duties; 2) independence through self-government, which means that the bar and its members must manage their affairs independently. At the same time, all other state bodies and their officials (parliament, government, court) have the right to show interest in the activities of the bar; 3) independence, the basis of which is such a quality of a lawyer as his decency (International Association of Lawyers).

As we can see, in addition to the fact that scientists single out the principle of independence of the legal profession (although, for example, it is not defined among the principles of state policy in the field of providing free legal aid, based on the content of Article 5 of the Law of Ukraine "On Free Legal Aid"), additionally, it is also on the legislative level speaks of the independence of advocacy

when determining the legal status of an advocate and the principles of advocacy, which is indicated in Part 1 of Art. 4, Part 1 of Art. 21 of the Law of Ukraine "On the Bar and Practice of Law" (Law of Ukraine, 2012.) and part 2 of Art. 26 of the Law of Ukraine "On Free Legal Aid" (Law of Ukraine, 2011).

The point of view about the public-legal nature of the activity of the bar, based on the tasks assigned to it by law on behalf of the state, is quite widespread in scientific circles. For the most part, scientists emphasize the combination of private and public interests in the activities of the bar. It refers to the private interest of a specific person whose rights are protected by a lawyer, as well as the public interest of society and the state, aimed at helping to ensure the legality, rights and freedoms of citizens. The private element in the bar is also manifested in the independent management of internal affairs (self-governance), financing the needs of self-governing bodies at the expense of membership fees. An applicant who intends to practice law voluntarily becomes a self-employed person. On the personal initiative of lawyers, on the basis of founding documents (statutes), law offices and associations are created, the liquidation of which can take place at any time depending on the will of the founders (Shkrebets, 2016). In today's conditions, as rightly noted by E.F. Shkrebets, the bar contains a pronounced public component, acting as a kind of "partner" of the state. On the one hand, it can represent officials of the state government, local self-government bodies and their interlocutors in courts and other institutions, and on the other hand, it provides legal protection of citizens against the arbitrariness of the state (Shkrebets, 2016; Kanval *et al.*, 2024).

In this sense, the judgment of M. Koval is characterized by a certain rationality, which emphasizes the fact that the implementation of public legal functions is considered not only the monopoly of state authorities or local self-government bodies, because individual non-state structures can also be assigned such functions. Enrollment of non-state entities in the system of public power allows to create an effective mechanism of public control over the state's activities (Koval, 2006; Waheed *et al.*, 2010).

It is difficult to disagree with the above judgments, because advocacy, being a type of socio-legal activity, is carried out in private interests. However, in general, the public component dominates in its socially important tasks and functions, which have a national weight and significance, especially when involving lawyers to provide defense as assigned in criminal proceedings and cases of administrative offenses, as well as recognizing them as the primary subject of providing free secondary legal aid and its payment at the expense of state funds. The implementation of these public legal functions imposes a subjective duty on lawyers - in the cases established by law, to provide legal services to the public free of charge, and also not to refuse to provide legal assistance in general (except for cases established by law).

Studies by individual scientists of the legal protection function of the bar are sometimes carried out along with the study of the law enforcement function of the state. In this sense, M.V. Zavalny considers the bar as an entity that carries out law enforcement activities. And although, according to the scientist, the bar is not part of the system of state bodies (law enforcement), the tasks assigned to it have national weight and reflect the public interest of society. At the same time, speaking about law enforcement activity, the researcher interprets it as the activity of state and public organizations, which is carried out with the purpose of protecting the right by specially authorized bodies and public formations by applying measures of legal responsibility, in accordance with the law and in compliance with established procedures (Zavalnyi, 2017; Jam *et al.*, 2011). Such a judgment is difficult to recognize as completely indisputable.

First, the bar acts as an integral component of the human rights system of civil society and is by no means a law enforcement body (as such, it provides not only the protection of legal subjects, but also their protection).

Secondly, law enforcement agencies of Ukraine are included in the system of executive authorities, and the legislator in Part 2 of Art. 5 and Art. 7 of the Law of Ukraine "On the Bar and Practice of Law" clearly prescribes the independence of the advocacy from state authorities, local self-government bodies, their officials and employees and puts forward special requirements regarding the incompatibility of the activity of an advocate with work in the field of public administration. At the same time, the legislator determines that the grassroots level of the legal profession consists of lawyers who are private entities and are not in public service. That is, they are not granted jurisdictional powers or administrative powers, moreover, they do not apply measures of state coercion.

Therefore, the main direction of activity of the modern bar, as a professional association of lawyers of Ukraine, is the provision and provision of professional legal assistance (of any form and type), within which human rights protection, procedural-representational, advisory and explanatory (from legal issues), documentary law enforcement, legal education and preventive functions.

So, we can specify that precisely through the specific laws on the bar and practice of law and free legal aid, the state implements the constitutional guarantee of the right of a person to receive free legal aid at the professional level at the expense of the state by involving lawyers (on a permanent or temporary basis) to perform this task.

As already indicated, among the subjects of provision of free primary and secondary legal assistance, the legislator singles out individuals who practice advocacy on the grounds and in the manner defined by law, that is, advocates who act independently, in accordance with the standards of advocacy and the principles of the rule of law, legality, confidentiality and avoidance of conflict of interests (Article 4 of the Law of Ukraine, 2012). In particular, lawyers may be engaged by local self-government bodies in the territory of the relevant administrative-territorial unit and, on the basis of a contract concluded with them (temporary or permanent), provide high-quality free primary legal assistance in the scope and terms stipulated by this contract (Law of Ukraine, 2011). This regulatory provision is duplicated in Art. 38-1 of the Law of Ukraine "On Local Self-Government in Ukraine", the content of which determines the list of self-governing powers of executive bodies of village, settlement, and city councils (Law of Ukraine, 1997). It is characteristic that lawyers involved in the process of realizing a person's right to free primary legal assistance have the right to decide independently: to provide assistance on a permanent or temporary basis, and at the same time continue to carry out private advocacy.

As you know, the primary source of complete information about lawyers in Ukraine, according to Part 1 of Art. 17 of the Law of Ukraine "On the Bar and Practice of Law", the Unified Register of Lawyers of Ukraine, which contains information on the number and personal composition of lawyers of Ukraine, lawyers of foreign countries who, in accordance with the legislation, have acquired the right to practice law in Ukraine, as well as information on organizational forms of advocacy activity chosen by lawyers (Law of Ukraine, 2012). In turn, reliable information about lawyers who have the right to act as providers of free legal aid in Ukraine is the Register of lawyers who provide free secondary legal aid.

Provision of free secondary legal assistance by lawyers takes place after candidates are entered into the registers of lawyers who provide free secondary legal aid, by concluding individual contracts/agreements with participants (attorney, law office or bar association) who have successfully passed the competitive selection and expressed a desire to provide free secondary legal aid (resolution of the Cabinet of Ministers of Ukraine, 2012).

In accordance with part 1, 2 of Art. 21 of the Law of Ukraine "On free legal aid", after making a decision to provide free secondary legal aid, the regional center for the provision of free secondary legal aid appoints a lawyer who provides free secondary legal aid on a permanent basis under a contract, necessarily taking into account his specialization, work experience, workload, complexity

of cases in which the lawyer participates. These conditions are the subject of contracts between lawyers and regional centers, where the lawyer defines the territory in which he agrees to provide legal assistance, the scope of such assistance, the nature of cases and other aspects. One of the terms of the contract is a limitation: no more than thirty orders can be executed at the same time. The need to ensure continuity of protection is also taken into account (Overview of the system of providing free legal aid in Ukraine).

In case of impossibility of providing free secondary legal assistance by a lawyer who provides free secondary legal assistance on a permanent basis under a contract, the regional center for providing free secondary legal assistance concludes a contract with a lawyer included in the Register of lawyers who provide free secondary legal assistance. The contract must specify the amount of legal assistance, the term of its implementation and the amount of the fee (Law of Ukraine, 2011).

The legislator also allows and authorizes the representation of the interests of persons who have the right to free secondary legal assistance in court in disputes arising from labor relations, disputes regarding the protection of social rights, elections and referendums, in minor disputes, as well as in relation to representation underage children or minors and persons recognized by the court as incompetent or whose legal capacity is limited, or for drawing up documents of a procedural nature by an employee of the center for providing free secondary legal aid (Law of Ukraine, 2011). So, in fact, providers of free secondary legal assistance are lawyers included in the Register of Advocates who provide free secondary legal assistance.

CONCLUSION

To sum up, the entire range of opinions and points of view that have formed around the definition of the content and essence of the advocacy of Ukraine at this time is almost impossible to put on the pages of this scientific work, first of all, due to their large number. One way or another, all scientists believe that the following are the general (defining) characteristics of the modern advocacy of Ukraine, as an interdisciplinary legal institution (regardless of its study in legal or non-legal fields of knowledge): 1) it is an independent human rights institution designed to ensure proper implementation of a person's constitutional right to receive high-quality professional legal assistance (including free of charge), to promote the protection of the rights, freedoms and interests of individuals and legal entities and to represent them in judicial and state bodies; 2) it is granted self-governing (independent) status; 3) it is characterized by a combination of public and private interests in its practical activity, relying on those socially significant tasks and functions of national importance, which are assigned to it by law, on the authority of the state; 4) the nature of the functioning of the bar and the state is equal partnership in its content, which is explained by the need to effectively implement the bar's constitutionally enshrined task - to protect human rights and freedoms as the highest social value defined in Art. 3 of the Constitution of Ukraine; 5) it acts as one of the tools of self-limitation of state power in the modern legal system and a constituent component of the mechanism for the implementation of fair, objective and impartial judicial proceedings.

The analysis of the content of the normative acts of the Regulation on centers for the provision of free secondary legal assistance allows us to state that the Centers for the provision of free secondary legal assistance, as territorial branches of the Coordination Center for the provision of legal assistance, perform mainly organizational and administrative, logistical, informational, financial (budgetary), a methodological and documentary function in the field of free legal aid management in Ukraine, providing and creating appropriate conditions for access to free secondary legal aid for persons who need it.

At the same time, it is the human rights institute of advocacy that is given a priority place in matters of implementation of the right to free legal aid, as it is recognized by the legislator as the primary

and main subject of providing free secondary legal aid to low-income and poorly protected sections of the population.

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