

14. Мамараимова Г. М. Проблемы наследования интеллектуальных прав доменных имен по законодательству Республики Узбекистан //Журнал правовых исследований. – 2020. – Т. 5. – №. 2.
15. Мамараимова Гулрух ПРАВОВЫЕ ПРОБЛЕМЫ ТРАНСГРАНИЧНОГО НАСЛЕДОВАНИЯ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ // Review of law sciences. 2020. № Спецвыпуск. URL: <https://cyberleninka.ru/article/n/pravovye-problemy-transgranichnogo-nasledovaniya-intellektualnoy-sobstvennosti>.
16. Makhmudovna M. G. LEGAL PROBLEMS RELATED TO THE IMPLEMENTATION OF THE SPOUSE'S INHERITANCE RIGHT //European Journal of Research volume. – 2020. – Т. 5. – №. 9. – С. 52-56.
17. Makhmudovna, Mamaraimova Gulrukh. "LEGAL PROBLEMS RELATED TO THE IMPLEMENTATION OF THE SPOUSE'S INHERITANCE RIGHT." *European Journal of Research volume 5.9* (2020): 52-56.
18. Makhmudovna M. G. LEGAL PROBLEMS RELATED TO THE IMPLEMENTATION OF THE SPOUSE'S INHERITANCE RIGHT //European Journal of Research volume. – 2020. – Т. 5. – №. 9. – С. 52-56.
19. Makhmudovna G. LEGAL PROBLEMS RELATED TO THE IMPLEMENTATION OF THE SPOUSE'S INHERITANCE RIGHT.
20. Мамараимова Г. М. ХИЗМАТ КЎРСАТИШ БЕЛГИСИГА НИСБАТАН МУТЛАҚ ҲУҚУҚЛАРНИНГ МЕРОС БЎЛИБ ЎТИШИ МАСАЛАЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2019. – №. SPECIAL.
21. Мамараимова, Гулрух Махмудовна. "ХИЗМАТ КЎРСАТИШ БЕЛГИСИГА НИСБАТАН МУТЛАҚ ҲУҚУҚЛАРНИНГ МЕРОС БЎЛИБ ЎТИШИ МАСАЛАЛАРИ." *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ SPECIAL* (2019).
22. Mamaraimova G. INHERITANCE ISSUES OF NON-PROPERTY (MORAL) RIGHTS OF INTELLECTUAL PROPERTY //Norwegian Journal of Development of the International Science. – 2021. – №. 65-1. – С. 20-23.
23. Mamaraimova G. INHERITANCE ISSUES OF NON-PROPERTY (MORAL) RIGHTS OF INTELLECTUAL PROPERTY //Norwegian Journal of Development of the International Science. – 2021. – №. 65-1. – С. 20-23.
24. Guljazira A., Asal X. Formation and Development of ADR in Some Foreign Countries and in Uzbekistan //Middle European Scientific Bulletin. – 2021. – Т. 15.
25. Асаль Хайрулина, Давлат Хабибуллаев Медиация как новый вид альтернативных способов разрешения споров в Узбекистане // ОИИ. 2021. №3/С. URL: <https://cyberleninka.ru/article/n/mediatsiya-kak-novyy-vid-alternativnyh-sposobov-razresheniya-sporov-v-uzbekistane> (дата обращения: 27.07.2021).
26. Xayrulina A. B. International law: legal aspects of the protection of women's rights in UN system //Review of law sciences. – 2018. – Т. 3. – №. 1. – С. 14.
27. Khayrulina A. Legal aspects of the protection of women's rights within UN system //TSUL Legal Report International electronic scientific journal. – 2020. – Т. 1. – №. 1.
28. Хайрулина А. Б. Международно-правовые аспекты защиты прав женщин в системе ООН //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2019. – №. SPECIAL.
29. Батирова К. ПРАВОВЫЕ ОСОБЕННОСТИ ИСЛАМСКИХ ЦЕННЫХ БУМАГ (СУКУК) //Review of law sciences. – 2020. – Т. 2. – №. Спецвыпуск.

THE ESSENCE OF THE INSTITUTION OF PRO BONO AND ITS IMPORTANCE IN CIVIL COURTS

Bebutova Z.

Tashkent State University of law

Department of Civil Procedural and Economic Procedural Law teacher

DOI: [10.24412/3453-9875-2021-77-3-46-50](https://doi.org/10.24412/3453-9875-2021-77-3-46-50)

Abstract

This article discusses the specifics of the institution of pro bono, its origin and history of development, the importance of pro bono in civil courts, the use and implementation of pro bono, the popularity of pro bono in international law, the role of pro bono in our national legal system and its improvement. In the process of studying this topic, the experience of many foreign countries has been studied.

Keywords: pro bono, civil procedure, lawyer, free legal services, voluntary activity, international pro bono.

The term "pro bono", which is widely used today, is an institution that has already been formed in the field of law in many developed countries. In particular, in countries such as the United Kingdom, the United States, South Korea, Australia, France "pro bono" has its own stages of development and its own special struc-

ture and today, based on the experience of these countries, a new term "international pro bono" is used in the field of law.

The term "pro bono", which is short for pro bono publico, is a Latin term that means "for the public good"[1]. The term usually refers to the provision of free legal services by lawyers to people who are unable

to pay for legal services. If we look at the history of this institute, many sources state that the provision of legal services to those unable to hire a lawyer was reflected in British law as early as the 15th century. According to another source, this pro bono practice was common in early America: "As far back as 1770, just a few years before the United States came into being, John Adams (later the country's second president) took on the pro bono defense of British soldiers prosecuted for what became known as the Boston Massacre. He also did less-remembered pro bono work for needy members of his community. Pro bono was already established as an accepted practice at the birth of this country, and Adams' effort – even though some roundly criticized him for it at the time – shows its deep roots in this country" [2]. In today's American society, pro bono is very well developed. It is noteworthy that in the United States, pro bono is carried out by non-governmental organizations and is supported by the government. In particular, the National Center for Law and Economic Justice, which has been operating since 1965, provides legal services aimed at improving welfare programs. Examples of such organizations include the Child Protection Fund, the Farmers Legal Action Group, the National Veterans Legal Services Program, the National Senior Citizens Legal Center, the National Health Law Program, and the Southern Poverty Law Center. The United States Department of Justice publishes a list of pro bono legal service providers by state. This list is controlled by the following organizations: The Executive Office for Immigration Review (EOIR), Office of Policy, Office of Legal Access Programs (OLAP).

The American Bar Association Standing Committee on Pro Bono and Public Service explains, "When society confers the privilege to practice law on an individual, he or she accepts the responsibility to promote justice and to make justice equally accessible to all people. Thus, all lawyers should aspire to render some legal services without fee or expectation of fee for the good of the public"[2].

If we analyze the essence of the Pro Bono Institute in more detail, South Korean lawyers are required to complete at least 30 hours of pro bono work per year; however, the local bar associations can reduce this requirement to 20 hours. Those who have a good reason not to fulfill the requirement may pay to a pro bono fund ₩20,000–30,000 (US\$17-26) per hour instead [3].

Lawyers in the United States are recommended under American Bar Association (ABA) ethical rules to contribute at least 50 hours of pro bono service per year. Some state bar associations, however, may recommend fewer hours. Rule 6.1 of the New York Rules of Professional Conduct strongly encourages lawyers to aspire to provide at least 50 hours of pro bono service each year and quantifies the minimal financial contributions that lawyers should aspire to make to organizations providing legal services to the poor and underserved. In contrast, other states, such as Illinois, do not have recommended hours, yet require annual disclosure of voluntary pro bono hours and contributions made to pro bono organizations [4].

The need for pro bono work is evident: In 2017, 86% of low-income Americans received inadequate or no legal help for civil legal problems[5]. Such data show how important the institution of pro bono is to American society. The Legal Services Corporation is an independent nonprofit established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans. The Corporation currently provides funding to 132 independent nonprofit legal aid organizations in every state, the District of Columbia, and U.S. Territories. The fact that investing in civil legal aid allows for access to justice, which is America's core value, is reflected in the first line of the U.S. Constitution and in the last words of the Pledge of Allegiance [6]. LSC-funded programs help people who live in households with annual incomes at or below 125% of the federal poverty guidelines – in 2021, that is \$16,100 for an individual, \$33,125 for a family of four. Clients come from every ethnic and age group and live in rural, suburban, and urban areas. They are the working poor, veterans, homeowners and renters, families with children, farmers, people with disabilities, and the elderly. Women - many of whom are struggling to keep their children safe and their families together - comprise 70% of clients.

In the United States, pro bono is also used effectively by law schools. In particular, some schools have designated pro bono programs, staffed by professionals who help match students with outside organizations that do pro bono work. Other schools provide administrative support for student groups engaged in pro bono work while others lack an organized school-wide program but rely on student groups to form and run projects. At least 39 law schools require students to engage in pro bono or public service as a condition of graduation. These schools may require a specific number of hours of pro bono legal service as a condition of graduation (e.g. 20-75 hours) or they may require a combination of pro bono legal service, clinical work and community-based volunteer work. [7]

What are the advantages of using pro bono for law schools?

Firstly, this programs help students develop professionalism and an understanding of a lawyer's responsibility to the community.

Secondly, facilitates student involvement in the community.

Thirdly, increasing their knowledge and marketability, gaining practical experience, developing skills, enhancing their reputations and exploring alternative career opportunities.

If we talk about the role of pro bono in English society, everyone, not just those who can afford a lawyer, has access to justice and the legal system. This is necessary to ensure that our right to a fair trial is upheld, as required by Article 6 of the Human Rights Convention. In England, 2 terms are used to secure this right: "legal aid" and "pro bono". So what's the difference between these terms? Legal aid is a form of government funding to subsidise access to lawyers for those who can't afford them. Before the changes to the legal aid system public funding was available for a wide range of legal disputes. However, substantial cuts now mean

that it's only available in limited scenarios. Legal aid can help meet the costs of legal advice, family mediation and representation in a court or tribunal.

You'll usually need to show that:

- ✓ your case is eligible for legal aid
- ✓ the problem is serious
- ✓ you cannot afford to pay for legal costs

You could for example get legal aid if:

- you or your family are at risk of abuse or serious harm, for example domestic violence or forced marriage
- you're at risk of homelessness or losing your home
- you've been accused of a crime, face prison or detention
- you're being discriminated against
- you need family mediation
- you're adding legal arguments or bringing a case under the Human Rights Act [8].

However, unlike legal aid, for which lawyers' time is funded by the Government, pro bono work is legal advice provided free of charge. so pro bono is done by non-governmental organizations. To give an example of such organizations, The LawWorks Coordination Center has been operating in the UK since 1997. He processes the applications of those in need of assistance and transfers their cases to a specialist who is part of the team of lawyers serving this center. If we describe this organization in more detail, LawWorks is a charity working in England and Wales to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay and with the not-for-profit organisations that support them. LawWorks is the registered operating name of the Solicitors Pro Bono Group.

Another such organization is the Law Society. The Law Society is the independent professional body for solicitors.

This organization actively support and facilitate their members' involvement in pro bono initiatives. Their members provide a huge amount of important free legal advice to individuals, charities and community groups throughout England and Wales. Examples of such organizations include the UK's In-House Pro Bono Group and the GC100.

How do lawyers benefit from bro bono?

Volunteering your time and expertise to support vulnerable people can help to:

- increase job satisfaction
- develop your legal, advocacy and leadership skills
- broaden your communication and interpersonal skills
- boost morale and relationships with your colleagues
- expand your networks and raise your personal profile. [9]

If we look at the experience of Uzbekistan in this regard, our national legislation provides for free legal assistance only in criminal cases and only from the state budget. However, foreign experience shows that the role of non-governmental non-profit organizations in this regard is significant and not only criminal case, but also civil cases. According to the Law of the Republic

of Uzbekistan on Advocacy, when a person is exempted from payment of legal assistance due to his/her insolvency, remuneration of attorney's labor participating in a criminal case is carried out at the state expense in the manner established by the Cabinet of Ministers of the Republic of Uzbekistan.

The President of the Republic of Uzbekistan Shavkat Mirziyoyev in his decree of May 12, 2018 "On measures to radically increase the efficiency of Advocacy Institute and expand the independence of lawyers" stressed development of free voluntary legal assistance (pro bono) by advocacy structures and lawyers to the population in need of social protection. [10]

On September 6, 2019, in accordance with the Resolution of the Cabinet of Ministers No. 741 "On measures to further improve the system of legal information and legal assistance to the population", a non-profit organization "Madad" was established to provide free legal advice and practical legal assistance. Unfortunately, this organization cannot protect the rights of citizens in court, it can only provide free legal advice.

At the Tashkent Law Spring Forum in Tashkent on April 25-27, 2019, Fred Houston, Regional Director for Central Asia of the International Organization for Legal Development (ODIHR), spoke on "Pro bono and state-funded legal aid: ensuring balance". Mr. Fred Huston, one of the former Soviet republics, praised Georgia's experience. In his view, Pro bono in Georgia is much closer to perfection, covering many areas - from criminal law to civil disputes. In Georgia, the state provides special legal assistance to citizens not only in matters related to criminal cases, but also in the settlement of family disputes. There is a very advanced example of law in this regard. The legal service is set up in such a quality way that if you go to a lawyer, he will definitely take an hour to listen to you and give you the advice you need. Provides complete, quality legal assistance. This is a very serious and robust system. Lawyers working in this system do not deal with an outsider client. They only support the category of customers listed. In general, Pro bono in this country is managed centrally. This is important because a lawyer who is busy with Pro bono should definitely be provided and encouraged.

He said Pro bono is also a very important practice in staff training. In the United States, young lawyers work as a lawyer who provides free legal assistance to citizens by the state for 5-6 years before starting their own firm. It will be a great school for them. [11]

As well as, the draft "Concept for the development of the Bar in the Republic of Uzbekistan", posted on the portal for the discussion of normative legal acts of the Republic of Uzbekistan on April 10, 2020, also expressed views on free legal services. In particular, implying the following Creating an effective mechanism for the appointment of lawyers in order to provide protection at the expense of the state, based on international experience:

- the system of free legal aid under the Ministry of Justice of the Republic of Uzbekistan specially

authorized to organize, control and coordinate independent body - the establishment of a free legal aid center;

- introduction of quality control mechanisms for free legal aid;
- procedural in the selection and appointment of attorneys to provide defense at public expense the human factor in this process, taking into account the consequences and measures of responsibility development and implementation of an automated system that excludes interference;
- if the defense attorney is participating in the case on the basis of an agreement, the defense attorney at the expense of the state establishing a ban on unreasonable appointments. [12]

The draft Decree of the President of the Republic of Uzbekistan Shavkat Mirziyoyev "On the Development Strategy of the New Uzbekistan for 2022-2026" was recently submitted for public discussion and The Development Strategy of New Uzbekistan for 2022-2026, which will be approved in accordance with this Decree, also contains a paragraph on the subject. Defined in the direction of the strategy to make the principles of justice and the rule of law in our country the most basic and necessary condition for development special attention should be paid to the following two aspects:

- Implementation of the principles of true equality and adversarial proceedings of the parties in court proceedings;
- Expanding the scope of free legal aid.

One of the most effective ways to achieve these goals is to harmonize them. That is, if we provide free legal assistance to a party in need of social protection in court, who can not pay for the legal services provided by a lawyer, we will also contribute to the equality of the parties in the process. By effectively using the experience of foreign countries mentioned above, we can achieve the goal set in the Development Strategy by developing the institution of pro bono in our society.

REFERENCES:

1. What Is Pro Bono? Definition & Examples of Pro Bono? By Sally Kane. July 17, 2020 <https://www.law.georgetown.edu>.
2. The History of Lawyer Pro Bono Services | RWU Law. 18.10.2019 <https://law.rwu.edu/library>
3. The Korean Bar Association (KBA) defines the pro bono works in accordance with the KBA Rule on Pro Bono. http://koreanlii.or.kr/w/index.php/Pro_bono
4. https://en.wikipedia.org/wiki/Pro_bono
5. Legal Services Corporation. "Justice Gap Report. <https://www.lsc.gov/media-center/publications/2017-justice-gap-report> Accessed June 27, 2020.
6. Information of official website of Legal Services Corporation. <https://www.lsc.gov/>
7. A GUIDE AND EXPLANATION TO PRO BONO SERVICES. November 04, 2021. <https://www.americanbar.org>
8. Information of official website of the UK government. <https://www.gov.uk/legal-aid>.

9. An international expert cited Georgia as an example of a Pro bono system. 26 April, 2019. <http://advokatnews.uz/>

10. Information of official website of The Law Society. <https://www.lawsociety.org.uk/topics/pro-bono/introduction-to-pro-bono>

11. Decree of the President of the Republic of Uzbekistan Shavkat Mirziyoyev "On measures to radically increase the efficiency of Advocacy Institute and expand the independence of lawyers ". 12 May, 2018. www.lex.uz

12. The draft "Concept for the development of the Bar in the Republic of Uzbekistan", <https://paruz.uz>.

13. Mamaraimova G. INHERITANCE ISSUES OF NON-PROPERTY (MORAL) RIGHTS OF INTELLECTUAL PROPERTY // Norwegian Journal of Development of the International Science. 2021. №65-1.

14. Мамараимова Г. М. Проблемы наследования интеллектуальных прав доменных имен по законодательству Республики Узбекистан // Журнал правовых исследований. – 2020. – Т. 5. – №. 2.

15. Makhmudovna M. G., Shurakhanovna A. G. Legal Aspects Of Implementation Of The Spouse's Inheritance Right //The American Journal of Interdisciplinary Innovations Research. – 2021. – Т. 3. – №. 09. – С. 4-8.

16. Makhmudovna M. G. LEGAL PROBLEMS RELATED TO THE IMPLEMENTATION OF THE SPOUSE'S INHERITANCE RIGHT //European Journal of Research volume. – 2020. – Т. 5. – №. 9. – С. 52-56.

17. Мамараимова Гулрух ПРАВОВЫЕ ПРОБЛЕМЫ ТРАНСГРАНИЧНОГО НАСЛЕДОВАНИЯ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ // Review of law sciences. 2020. №Спецвыпуск.

18. Davronov, D. "COERCIVE MEASURES IN THE CIVIL PROCEEDINGS: ITS IMPORTANCE AND TYPES." Norwegian Journal of Development of the International Science 76-2 (2021): 17-20.

19. Мамараимова Г. М. ХИЗМАТ КЎРСАТИШ БЕЛГИСИГА НИСБАТАН МУТЛАҚ ХУҚУҚЛАРНИНГ МЕРОС БЎЛИБ ЎТИШИ МАСАЛАЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2019. – №. SPECIAL.

20. Esenbekova P. et al. LEGAL NEGOTIATION ISSUES: THE IMPORTANCE AND TYPES //Norwegian Journal of Development of the International Science. – 2021. – №. 75-2. – С. 17-20.

21. Asal X. Mediation as a Modern Method of Dispute Resolution in Uzbekistan //Middle European Scientific Bulletin. – 2022. – Т. 20. – С. 1-6.

22. Guljazira A., Asal X. Formation and Development of ADR in Some Foreign Countries and in Uzbekistan //Middle European Scientific Bulletin. – 2021. – Т. 15.

23. Subkhonov S. ISSUES OF IMPROVING THE PROCEDURE FOR RECOGNITION OF A CITIZEN AS MISSING AND DECLARATION OF A

CITIZEN AS DEAD //Norwegian Journal of Development of the International Science. – 2021. – №. 76-2. – С. 27-32.

24. KhudoynazarovKhudoynazarov, D. (2021). THE IMPLEMENTATION OF MODERN INFORMATION AND COMMUNICATION TECHNOLOGIES IN THE ACTIVITIES OF COURTS IN THE ACTION STRATEGY DEVELOPMENT OF OUR COUNTRY: RESULTS

AND PROSPECTS: THE IMPLEMENTATION OF MODERN INFORMATION AND COMMUNICATION TECHNOLOGIES IN THE ACTIVITIES OF COURTS IN THE ACTION STRATEGY DEVELOPMENT OF OUR COUNTRY: RESULTS AND PROSPECTS. TSUL Legal Report International electronic scientific journal, 2(1), 101-108.

PUBLIC DANGER OF CRIME

Топчій В.

Doctor of Law, Professor, Honored Lawyer of Ukraine, Professor, Department of Criminal Justice, State Tax University

Дідківська Г.

Doctor of Law, Professor, Professor, Department of Criminal Justice, State Tax University

СУСПІЛЬНА НЕБЕЗПЕЧНІСТЬ ЗЛОЧИННОСТІ

Топчій В.В.

доктор юридичних наук, професор, заслужений юрист України, професор кафедри кримінальної юстиції Державного податкового університету

Дідківська Г.В.

доктор юридичних наук, професор, заслужений юрист України, професор кафедри кримінальної юстиції Державного податкового університету

DOI: [10.24412/3453-9875-2021-77-3-50-53](https://doi.org/10.24412/3453-9875-2021-77-3-50-53)

Abstract

This article notes that the social danger of crime is expressed in damage to both material and moral to individual citizens and society as a whole. The opinion is substantiated that direct harm from crime should be divided into direct damage of a material nature and direct damage to a personal character. It is indicated that it is especially difficult to determine and calculate the consequences of criminal offenses committed against an individual. It is possible to calculate the costs of treatment and medications for a person who has become a victim of a criminal offense as direct material damage, but it is considered impossible to determine in monetary terms moral and psychological losses, an insult to honor and dignity, a change in the attitude of a person to the environment and himself after a committed criminal offense as direct personal injury. In addition, different people experience the consequences of criminal offenses differently. Especially moral and psychological stress grows when it comes to murders, harm to health, rape. So, for example, when studying the phenomenon of drug crime, it became obvious: it is extremely difficult to measure and evaluate in monetary terms all the consequences of the harm resulting from the spread of drug addiction in society, they are stretched out in time and become obvious only in the future, when it is impossible to correct the situation. Therefore, it is emphasized that it is advisable to include in the cost of crime also the costs of treatment and psychological rehabilitation of family members of a drug addict.

Therefore, the position is substantiated that such approaches are relevant and urgent tasks of modern criminological science and the practice of law enforcement agencies.

Анотація

У даній статті зазначається, що суспільна небезпечність злочинності виражається у нанесенні шкоди як матеріальної так і моральної окремим громадянам і суспільству в цілому. Обґрунтовується думка, що пряма шкода від злочинності має бути поділена на прямий збиток матеріального характеру і прямий збиток особистого характеру. Вказується, що особливо складні для визначення і підрахунку наслідків кримінальних правопорушень, що вчинені щодо окремої особи. Можливо підрахувати витрати на лікування і медпрепарати для людини, що стала жертвою кримінального правопорушення як прямий матеріальний збиток, але вважається неможливим визначити у грошовому еквіваленті моральні і психологічні втрати, образу честі і гідності, зміну ставлення особи до навколишнього середовища і самої себе після вчиненого кримінального правопорушення як прямий особистий збиток. До того ж різні люди неоднаково переживають наслідки кримінальних правопорушень. Особливо моральне і психологічне напруження зростає, коли йдеться про вбивства, завдання шкоди здоров'ю, зґвалтування. Так, наприклад, при дослідженні феномена наркозлочинності стало очевидним: виміряти і оцінити у грошовому еквіваленті всі наслідки шкоди, що настає у результаті розповсюдження у суспільстві захворювання наркоманією, надзвичайно складно, вони розтягнуті у часі і стають очевидними лише у майбутньому, коли виправити становище неможливо. Відтак, акцентується увага, що доцільно до вартості злочинності включати також витрати на лікування і психологічну реабілітацію членів родини наркозалежної особи.