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*Теорія та історія держави і права*

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## **CONCEPT AND SYSTEM OF GUARANTEES OF THE RIGHT TO PROFESSIONAL LEGAL ASSISTANCE**

*The article analyzes the concept and system of guarantees of the right to professional legal assistance, based on the existing diversity of opinions in the legal literature, international documents and national legislation. It is noted that the right to receive professional legal assistance in itself requires a broad approach and, at the same time, is not limited to the provision of one legal assistance service. One of the tasks provided for in this set of measures is to inform him about this. In this regard, it would be advisable to form a special platform or institutional-organizational mechanism for international cooperation to precisely define the norms and requirements in the field of the right to receive unified professional legal assistance, and in a broader aspect – for broad coordination of ensuring human rights and freedoms in international and national context. The adoption of new international regulations within the framework of this international platform or organization, as well as the formation of intergovernmental universal mechanisms for their implementation and others, is absolutely necessary. This time, cooperation within the framework of the proposed universal platform or international organization will facilitate the process of investigation and collection of evidence by providing expertise and legal assistance in this area, and by ensuring the effectiveness of interstate cooperation in this area, a high level of protection of human rights can finally be achieved.*

*Based on the analysis, it is concluded that all guarantee mechanisms provided for the right to receive professional legal assistance are selected individually due to their special significance. It is necessary to comprehensively apply these security mechanisms, both in ensuring human rights and freedoms in general, and in order to ensure the right to receive*

*professional legal assistance. In other words, the main task of all states should be the desire to implement all the mentioned mechanisms to ensure the right to professional legal assistance and achieve the main goals of such implementation. For this, taking into account the relevant recommendations of international mechanisms in this area, the necessary and real steps must be taken, and the results must be constantly discussed and assessed.*

**Key words:** *human rights, professional legal assistance, security mechanisms, right to a fair trial, effective legal protection mechanisms, international obligations.*

**The relevance of research.** The institute of professional legal assistance, which serves as one of the main guarantee mechanisms towards ensuring human rights, is considered as one of the human rights in modern times. Therefore, issues related to the right to professional legal assistance and their regulation remain one of the most important issues from the point of view of ensuring human rights and freedoms. In the analysis carried out in the legal literature, the institution of professional legal assistance occupies a special place in the context of human rights and measures taken in this context, and sometimes acts as the main mechanism and central element of this process. Therefore, it is practically important when conducting research on this issue to determine the definition and scope of professional legal assistance. It is rightly noted in the legal literature that the provision of professional legal assistance services acts as the main mechanism for ensuring the rule of law and the effective judicial protection institution, being the main mechanism in the operation of fair, independent and legal judicial power in societies where the principles of democratic, as well as rule of law are accepted [9, p. 29].

Since the right to professional legal assistance belongs to a relatively wide category of the population, this is one of the issues that increases the significance of this topic and fundamentally affects the indicators of compliance by states with their international obligations in various categories to ensure human rights. In addition, this leads to the use of resources from various areas for the development of the institution of professional legal assistance. This leads to the development of an action plan and strategy regarding the institution of professional legal assistance of states.

As can be seen from the importance of guaranteeing the right to professional legal assistance, certain guarantees are necessary to ensure the provision of professional legal assistance at a high level. This in itself ensures the provision of professional legal assistance in a number of cases, and also acts as minimum guarantees. It can be noted that receiving professional legal assistance is the right to a fair trial, provision of effective legal protection mechanisms, equality, elimination of all forms of discrimination, etc. acts as the main guarantee mechanism of human rights. Sometimes, in cases where the right to professional legal assistance is not guaranteed, there can be no question of protecting and ensuring a number of other fundamental human rights.

Taking into account the above, we believe that these safety mechanisms resemble a device consisting of several wheels, each of which is selected due to its special importance at a different level. Thus, guarantees of the right to professional legal assistance are aimed at ensuring the right to professional legal assistance, and the right to professional legal

assistance is aimed at ensuring many fundamental human rights and freedoms that are listed above and not mentioned. All these guarantees are closely related to each other. This is why different security mechanisms take center stage at different stages.

This is one of the main central issues in ensuring the right to professional legal assistance. Indeed, although there is no consensus on the mentioned legal guarantees or guarantee mechanisms, there is an approach to this issue from different angles. In the literature, these approaches can be divided into two groups, such as the broad aspect of defining such security mechanisms or approaches considered in a narrow sense. In some sources it is also found in regulatory documents on the mechanisms for providing professional legal assistance, which is reflected as a result of extensive research. Thus, in the normative document with a recommendatory content adopted by the Committee of Ministers of the Council of Europe, sufficient space is allocated to mechanisms for ensuring the right to professional legal assistance. In this document, the mechanisms for providing professional legal assistance are divided into two groups. These security mechanisms are grouped by the stage of their implementation. First of all, initial stage guarantee mechanisms, such as provision of easy accessibility of information related to rights and freedoms, legal system, legal remedies, as well as legislation to a wide audience and convenient access to legal assistance, as well as support for the use of information and communication technologies in these matters, and a certain circle of persons provided with professional legal assistance main guarantee mechanisms are distinguished, such as ensuring the continuous development of professionals providing professional legal assistance, accessibility to them, as well as their evaluation on the same indicators. We fully agree with this division in the mentioned document and believe that this is a practically important definition. It should be noted that although guarantees can appear at different stages, they form a chain and form the basis of the right to receive professional legal assistance.

Also, in one of the studies found, in addition to the mechanisms of guaranteeing the right to professional legal assistance, legal education, alternative dispute resolution, other services related to the restoration of justice, etc. are also attributed [12]. Agreeing with the mentioned opinion, we believe that the activities of the institutes related to providing legal education at a high level, alternative resolution mechanisms such as settlement of disputes through negotiation, and provision of various legal services to ensure a fair trial are distinguished by their importance.

The main guarantees that make up the institution of professional legal assistance are related to the lawyer who provides this assistance and who will act without payment from the recipient of legal assistance and the services he provides, the provision of legal assistance by the court, and the provision of a mandatory defense attorney in criminal proceedings. Although it is possible to accept the above as guarantees of providing professional legal assistance, it is not correct to limit the institute of professional legal assistance only to these guarantees. It should be noted that professional legal assistance should be considered as an institution that reflects a very wide field. Because this institution is not formally limited to providing some legal services to individuals. At the same time, it manifests itself in legal

education, improving the quality of legal education, legal norms and legal protection mechanisms, as well as providing information on effective legal protection tools and providing access to such databases.

It should also be noted that sometimes professional legal assistance is associated only with the activities of lawyers in the studies, a different approach to the guarantees of professional legal assistance is proposed. The main guarantees of the right to professional legal assistance are the freedom of opinion and speech of lawyers, the confidentiality of information available within the framework of the lawyer-client relationship, and the prevention of unreasonable searches of the homes and workplaces of lawyers. It is impossible to fully agree with this idea. So, although these mentioned legal guarantees are particularly important for ensuring the right to professional legal assistance, they are not limited to them as guarantee mechanisms. The main issue that is noticeable here is that what is mentioned as the mechanisms of providing professional legal assistance is mainly related to advocacy activities. We find that other guarantees of the right to professional legal assistance are defined in other sources, as well as in the positions of international organizations.

In one of the researches that put the right to receive professional legal assistance in the main central position for the prevention of torture, an approach from the mentioned direction was shown, as well as measures for maintaining contact with a lawyer as a mechanism for ensuring professional legal assistance were indicated. Although other important mechanisms are mentioned here, such as informing about the provision of a lawyer, forming a group of public defenders who will provide legal advice from the first moment when a person's freedom is limited, we would not be wrong to say that professional legal assistance is approached from a narrow perspective [8, p. 12]. In cases where such an approach is exhibited, professional legal assistance is framed. From a theoretical and practical point of view, there are certain differences of this legal institution. Thus, although professional legal assistance usually manifests itself in the provision of a defense attorney or a lawyer, it does not fully represent that institution. Because the institution of professional legal assistance requires an approach from a very broad aspect.

In his report, the UN special rapporteur described the institution of professional legal aid as the main mechanism that contributes to the right to a fair trial and effective legal remedies. Indeed, in full agreement with this position, it should be noted that professional legal assistance as an institution covers a wide area. Therefore, when talking about the guarantees of this institution or the right to professional legal assistance, attention must be paid to the fact that these guarantees apply to all areas to which the concept refers. In any case, it would not be correct to limit the mechanisms providing professional legal aid to just one area covered by it.

Although the right to professional legal assistance was approached from a narrower perspective, now we are witnessing the expansion of this concept. Although the right to professional legal assistance was considered one of the main guarantees in criminal law and criminal procedure at the time of its initial creation, this concept has now become one of the main guarantees in various legal fields. Even from the point of view of the development of the relevant institution from different directions, the activity is very important. One of the most important issues that need to be mentioned here is the determination and development of professional legal

assistance in the field of civil law, where people encounter the most problems. Both the promotional activity of international organizations in this direction and the normative documents related to the accepted minimum requirements result in the implementation of relevant changes in the national legislation of the states by supporting this approach. Considering the experience of the states in the modern era, it can be determined that many countries have already made appropriate changes to their procedural legislation in this direction. At the same time, the experience of the states in this direction is sometimes seriously different, and it is also accompanied by sufficient problems in access to the right to receive legal assistance.

Due to its multifaceted nature, the right to receive professional legal assistance, which is of great practical importance, can maintain its special place in legal relations.

It should be noted that in the “Recommendations on Legal Aid” of the Council of European Bar Associations and Law Societies, which unites one million European lawyers and 31 countries as full members, legal aid is the main means of ensuring access to justice, as well as ensuring fundamental rights and freedoms person in a democratic society. The special role mechanism is finally considered as one of the basic requirements and guarantees for ensuring the right to a fair trial. This shows that professional legal assistance is currently a practical matter of particular importance, as well as one of the most urgent issues.

It should be taken into account that in order to prevent people from being defenseless in disputes with state authorities, the application of professional legal assistance institute in administrative law is of particular importance. In many countries, this professional legal aid is considered a general component of the institute. In a number of countries, including the Republic of Azerbaijan, the duty to provide legal assistance during administrative proceedings is seen as one of the main obligations of administrative bodies as well as administrative courts. It is gratifying that the determination of the duty to provide legal assistance by the court in ensuring the participation of citizens in the judicial investigation process on administrative cases in itself leads to the provision of a fair litigation with persons with professional legal education and persons in authority.

**Scientific novelty of the research.** Although there are research works related to the analysis of the professional legal aid institute in different contexts in different countries of the world, but such comprehensive research on the subjects of the right to receive professional legal aid and the professional legal aid institute as the main human rights guarantee mechanism has not been conducted in the Republic of Azerbaijan. In such researches, professional legal assistance institution was approached within a certain topic and researches were conducted from a narrower perspective in a certain sense.

The scientific innovation of the research is also reflected in the scientific approach to the institute of professional legal assistance. Thus, in addition to examining the right to professional legal assistance as an institution for guaranteeing the rights and freedoms of a person and a citizen, a scientific approach to the right to receive professional assistance as an independent human right has been shown. Thus, the formation and development trends of the professional legal aid institute, comparative analysis of the experiences of different countries, determination of the right to professional legal aid in international and national normative

documents, advocacy institute, legal education, etc. by considering issues such as the main guarantee mechanisms of the right to receive professional legal assistance, the measures taken by the Republic of Azerbaijan to ensure the right to receive professional legal assistance, the determination of the national normative base, as well as the necessary issues such as the guarantee mechanism of basic human rights and freedoms, were investigated in detail and widely.

**The main content of the research.** Based on what has been explained, the following can be attributed to the guarantees of the right to professional legal assistance:

- advocacy activities for providing legal consultations or professional legal services in civil and criminal cases;
- depending on the nature of the case, in particular, providing professional legal assistance by the courts in administrative cases and explaining the legislative norms to the applicants in a reasonable manner;
- providing access to legal norms;
- raising awareness about effective legal protection means and providing information about it at a high level;
- ensuring the provision of higher legal education, which will be the basis for the training of high-quality and competitive legal personnel;
- organization of continuous specialization and training process for professional legal personnel working in the sphere of legal protection and protection on their professional knowledge, personal development criteria;
- conducting public legal education with the aim of forming and increasing the level of the legal thinking of the society;
- formation of legal mechanisms for out-of-court settlement of disputes and provision of access to these mechanisms.

These are guarantees or guarantee mechanisms that are determined taking into account the issues related to the wide sphere of social relations covered by the professional legal aid institution. It is possible to divide the guarantees of the mentioned professional legal assistance according to different criteria.

Thus, when looking at the guarantees of the right to professional legal assistance, it can be seen that each of them acts as a basis for taking measures at different levels, for the formation of state policy in these directions, as well as for the distribution of financial resources in that direction. One of the main issues arising here is related to the issue of the effect of those guarantees on the right to professional legal assistance, and consequently on the provision of basic human rights and freedoms. Approaching the issue practically, it can be noted that the guarantees mentioned have a short-term or long-term, direct or indirect impact on the provision of the right to professional legal assistance.

According to the stage of presentation, professional legal assistance is divided into two groups: primary and specialized. In full agreement with the mentioned approach, we believe that such a classification of professional legal assistance is extremely necessary. Thus, it is possible to form practically efficient mechanisms with this method. Moreover, with such a classification, in the future, the financial professional legal assistance is of special importance in the distribution of financial resources.

It is appropriate to analyze each of the mentioned guarantees of the right to professional legal assistance separately.

Advocacy for the provision of legal advice or professional legal services in civil and criminal cases is considered the most basic guarantee mechanism of the right to professional legal assistance. It should be noted that in the documents on basic human rights and freedoms, the provision of a lawyer or defender is taken into account in criminal cases as a mechanism for guaranteeing the right to professional legal assistance.

The main guarantee mechanism for ensuring the right to professional legal assistance is the provision of free legal advice and legal representation services for the category of persons defined by the legislation. Agreeing with the mentioned opinion, we believe that it is really important in practice for a person to use consulting and representation services to ensure his right to receive professional legal assistance. Even this can be considered as the most common case of providing professional legal assistance. In general, the role of advocacy in ensuring the right to receive professional legal assistance will be discussed in detail in the next sub-chapter.

According to the legal position formed by the Plenum of the Constitutional Court of the Republic of Azerbaijan, the judge should not be satisfied with providing professional legal assistance in order to eliminate violations of a formal nature, but should provide the process participants with all the necessary legal assistance means for the objective resolution of the case, guided by the principle of legal equality of the parties [11]. The formed legal position coincides with the principle and position of the UN on providing professional legal assistance. That is, the presiding judge during the administrative court proceedings should refrain from providing legal assistance of a formal nature. The provided legal assistance should contribute to the objective resolution of the case, and should be aimed at ensuring the right of the participants to receive professional legal assistance.

In many cases, it is natural for citizens to make mistakes due to the fact that they do not have the necessary legal knowledge when applying to the court against administrative bodies. When these cases occur, the provision of legal assistance by the judge within the limits and in the direction determined by the legislation acts as the main guarantee mechanism so that the person is not deprived of a fair trial. One of the main mechanisms in ensuring the right to professional legal assistance is the provision of access to legal norms. It should be noted that the easy access to legal norms for the public is one of the main issues facing the legal state. The existence of systems that ensure easy access to legislative acts leads to the development of legal thinking and the rise of the legal culture of society.

In modern times, the guarantee mechanism mentioned in the literature is treated as human rights. Even if this security mechanism has been particularly important in practice, treating this security mechanism as one of the basic human rights in theory increases its importance even more.

Although the implementation of this provision previously created difficulties in a certain sense, the rapid development of information technologies in the modern digital age has led to development in this field as well as being the basis for the development of many fields. It should be noted that obtaining convenient access to the legal normative base has become a very convenient issue through the Internet. That is, by getting information about any legal norm with

one click, people can achieve more convenient protection of their rights and freedoms. Therefore, from the point of view of ensuring the right to professional legal assistance, providing open access and accessibility to the normative legal framework has a particularly important role in ensuring this right.

Looking at the statistical indicators in the modern era, we can note that in order to ensure easy access to the legal normative base, relevant work is being done, measures are being implemented, and even relevant databases are being formed in half of the countries of the world [7, p. 13–18]. Although this can be regarded as a positive indicator in a certain sense, it is not entirely reassuring. Achieving this in more countries would make it possible for individuals to easily defend their rights and freedoms by themselves. It should be taken into account that these indicators are at the same time interconnected with the indicators related to the provision of access to the Internet and the use of information technologies.

As it can be seen, in the context of ensuring the right to professional legal assistance, the provision of access and availability to the legal norms base should be considered as a very necessary issue. In this process, the mentioned mechanism contributes to the provision of professional legal assistance both directly and indirectly.

One of the mechanisms that stand out due to its special importance in providing professional legal assistance is education about effective legal remedies and providing information about it at a high level. With the mentioned method, individuals are supported to protect and ensure their rights and freedoms. Legal blogs, informative videos about it, informative articles about various administrative proceedings procedures help in the context of ensuring the right to professional legal assistance by reaching more people.

Paying attention to this issue at the international level increases its importance even more. Thus, informing about effective legal remedies for the protection and provision of rights and freedoms at the UN level becomes the object of a special approach. It is mentioned in the literature that the position of the UN on this is so serious that it is considered as the responsibility of the state to provide information about effective means of legal protection and provision [3, p. 3–14]. This approach is a clear indicator of the importance of educating about legal remedies. The UN General Assembly, with its resolution No. 54/28 dated November 17, 1999, suggests to the states to continue promoting the publication of books and other materials related to the subject of international law and human rights [1, p. 11].

In this direction, it should also be noted that by providing such information to a wide public mass with the use of various mass media, professional legal assistance is provided to a large group of people by presenting information about the protection and restoration of rights in general. Although this method does not exhibit an individual approach, it leads to the information of persons from the mentioned direction and the initiation of legal procedures.

Perhaps the most important long-term security mechanisms for ensuring the right to professional legal assistance are the provision of higher legal education, which will be the basis for the training of high-quality and competitive legal personnel, and for professional legal personnel working in the sphere of legal protection and protection, their professional knowledge and personal development criteria. the organization of the process of specialization and training is performed continuously.

In this regard, first of all, we believe that the provision of high-quality higher legal education and the organization of projects that support the continuous improvement of theoretical and practical legal knowledge are the basis for providing professional legal assistance at a higher level, in addition to forming professionally qualified legal personnel.

Secondly, in the definition of professional legal assistance, one of the main conditions is that the category of persons providing professional legal assistance should have special education. As it can be seen, in fact, professional legal assistance in itself requires highly qualified knowledge. In other words, the provision of specialized legal assistance should be provided by a specialized professional with legal education, and the application of the right means of legal protection should be chosen within such services. This should be considered as a clear manifestation of the importance of high-quality higher legal education and the organization of professional development courses.

Ensuring the right to professional legal assistance, along with raising the quality and level of society's life, is distinguished by its importance for the formation, development and completion of the legal thinking of the society. This suggests that this right is closely related to the relevant mechanism and constantly influences each other. Without the right to professional legal assistance, it is impossible to talk about the development of the legal thinking of society, and in the absence of legal thinking, it is impossible to talk about the right to professional legal assistance. As we mentioned before, professional legal aid formally rejects the approach as an institution that must be implemented in order to fulfill the condition defined in the normative legal act. Such an approach is contrary to the essence, goals and characteristics of this institution. Therefore, this can only be properly realized in a society with normal legal thinking.

It is rightly noted in the literature that it is more necessary to ensure the right to professional legal assistance in countries with weak legal thinking, because only with the provision of this right can we talk about the provision, protection and restoration of other human rights and freedoms [5, p. 6–14]. Accepting this approach correctly, it can be noted that there is a special and inseparable connection between the provision of the right to professional legal assistance and the level of legal thinking of society. In order to understand and properly provide professional legal assistance, it is necessary to achieve an increase in the legal thinking of the society. That is, forming and raising the level of the legal thinking of society, which should be considered as one of the mechanisms for ensuring the right to professional legal assistance, also contributes to the provision of other human rights and freedoms. The main way to achieve this is the organization of public legal education at a high level. Thus, it is possible to increase the dynamics of the development of legal thinking by organizing public legal education. Also, in cases where the level of public legal thinking is high, the level of applying the principles of transparency and legality in the country's justice and investigative bodies also increases. Thus, as the level of development of legal thinking increases, the fight against illegal arrests, unjustified criminal proceedings, as well as negative effects against equal access to justice is strengthened. In addition, the process of ensuring, protecting and restoring basic human rights and freedoms becomes easier. Therefore, it is a

very necessary step to conduct public legal education, which has a positive impact on the legal thinking of the society, both in the general context and within the framework of ensuring the right to receive professional legal assistance.

Providing access to extrajudicial methods of dispute resolution is one of the main guarantees of the right to professional legal assistance. It should be noted that looking at the legislation of most civilized countries, we see that alternative dispute resolution methods are widely used in practice. In this current period, it acts as a basis from many directions. By alternative dispute resolution, it should be understood that the parties to the dispute find solutions out of court.

In one of the studies supporting this position in the literature, it was shown that resolving disputes by extrajudicial method is more convenient in terms of saving both time and financial resources [6, p. 1]. Agreeing with this position, we consider it necessary to point out that alternative dispute resolution is a more effective legal mechanism. The process of mediation and mediation is also not accessible to everyone. It is true that, although a smaller amount is required for the process of resolving these disputes in court, it also results in certain costs. Another important point to note is that attempts to resolve disputes by alternative method are also considered as a mandatory condition established by the legislation. At this time, people who cannot afford to pay the appropriate fee to apply to a mediator or an authorized person for alternative dispute resolution are usually deprived of this. Within the framework of the right to receive professional legal assistance, meeting these costs at the expense of the state has an important role in itself. Therefore, the right of individuals to receive professional legal assistance is guaranteed by creating the possibility of resolving disputes in an alternative way.

Financial guarantees should also be considered as key resources in providing professional legal assistance. It is possible to secure the right to professional legal assistance by means of sufficient financial guarantees. It was noted in the analysis that if the financial sources of the costs incurred by the state related to the provision of professional legal assistance are few, this has a negative impact on the right to professional legal assistance and the right to a fair trial. As a rule, the failure to determine an adequate amount or tariffs for the provision of professional legal assistance services results in the weakening of the institution of professional legal assistance [2, p. 321–335].

In full agreement with the mentioned opinion, it can be noted that if the goal is to provide high-quality professional legal assistance services, financial resources should be allocated in accordance with the average market price and equivalent to the provided legal services. True, in practice this is not the case. Such expenses belong to the category of state expenses, and due to the fact that they are paid from the state budget, little financial resources are allocated, or the tariffs determined by the state are not sufficient to provide quality legal assistance. This results in the failure of the persons providing professional legal assistance to act properly, to provide professional legal assistance in a formal manner, and thus the right to professional legal assistance is not guaranteed. As can be seen, financial guarantees and the allocation of necessary financial guarantees act as the main mechanism in ensuring the right to professional legal assistance.

**Results of the research.** The right to receive professional legal assistance in itself requires a broad approach, but at the same time, it is not limited to the provision of a single legal assistance service. One of the issues envisaged in this series of measures is to keep him informed about it. In this regard, it would be appropriate to form a special platform or institutional organizational mechanism of international cooperation for the exact definition of norms and requirements in the field of the right to receive uniform professional legal assistance, and in a broader aspect, to broadly coordinate the provision of human rights and freedoms in the international and national context. Adoption of new international normative acts within the framework of that international platform or organization, as well as formation of intergovernmental universal implementation mechanisms, etc. it is quite necessary. At this time, cooperation within the framework of the proposed universal platform or international organization will facilitate the process of investigation and evidence collection by providing experience and legal assistance in this field, and by making interstate cooperation effective in the mentioned field, a high level of human rights protection can finally be achieved.

All mechanisms of guaranteeing the right to receive professional legal assistance are selected individually with their special importance. It is necessary to apply these security mechanisms in a comprehensive manner, both in the direction of ensuring human rights and freedoms in general, and in order to ensure the right to receive professional legal assistance. In other words, it should be the main task of all states to try to implement all the mentioned mechanisms to ensure the right to professional legal assistance and to achieve the main goals of such implementation. For this, taking into account the relevant recommendations of international mechanisms in this field, necessary and real steps should be taken, and the results should be constantly discussed and evaluated.

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## **П. А. Мехдієв. ПОНЯТТЯ ТА СИСТЕМА ГАРАНТІЙ ПРАВА НА ПРОФЕСІЙНУ ПРАВНИЧУ ДОПОМОГУ**

У статті проаналізовано поняття та систему гарантій права на професійну правничу допомогу на основі існуючого розмаїття думок у юридичній літературі, міжнародних документів та національного законодавства. Зазначається, що право на отримання професійної правової допомоги саме по собі вимагає широкого підходу, і водночас воно не обмежується наданням однієї послуги з правової допомоги. Одним із питань, передбачених у цьому ряді заходів, є інформування про це. У зв'язку з цим було б доцільно сформувати спеціальну платформу чи інституційний організаційний механізм міжнародного співробітництва для точного визначення норм і вимог у сфері права на отримання єдиної професійної правової допомоги, а в ширшому аспекті – для широкої координації забезпечення прав і свобод людини в міжнародному та національному контексті. Прийняття нових міжнародних нормативних актів у рамках цієї міжнародної платформи чи організації, а також формування міжурядових універсальних механізмів імплементації тощо. Співпраця в рамках запропонованої універсальної платформи чи міжнародної організації сприятиме процесу розслідування та збору доказів засобом щодо надання досвіду та правової допомоги у цій сфері, а також ефективного міждержавного співробітництва у зазначеній сфері, нарешті, високий рівень захисту прав людини може бути досягнутий.

На основі проведеного аналізу зроблено висновок, що всі механізми гарантування права на отримання професійної правничої допомоги індивідуально підібрані з огляду на їх особливу важливість. Ці механізми безпеки необхідно застосовувати комплексно, як у напрямі забезпечення прав і свобод людини загалом, так і з метою забезпечення права на отримання професійної правової допомоги. Інакше кажучи, основним завданням усіх держав має бути намагання запровадити всі зазначені механізми забезпечення права на професійну правничу допомогу та досягти основних цілей такого впровадження. Для цього, враховуючи відповідні рекомендації міжнародних механізмів у цій сфері, необхідно вживати необхідних і реальних кроків, а результати постійно обговорювати та оцінювати.

**Ключові слова:** права людини, професійна юридична допомога, механізми безпеки, право на справедливий суд, ефективні механізми правового захисту, міжнародні зобов'язання.

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