

THE ROLE OF INFORMATION AND COMMUNICATION TECHNOLOGIES IN ADVOCATE'S ACTIVITY: DANGERS AND ADVANTAGES

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Abstract: This study examines an important topic in the field of jurisprudence - the impact of information and communication technologies on the work of a advocate in the context of the Republic of Uzbekistan and in foreign countries. The dangers associated with the use of modern technologies in legal practice are investigated, as well as the advantages they can provide.

Keywords: Digitalization, qualified legal assistance, ICT, cybercrime, electronic system, data analysis.

The level of development of digital technologies and their penetration into modern legal processes is so high that we can talk about the emergence of digital spaces in various specializations of the legal system, including the legal profession (online legal platforms, applications, platforms).

For the first time the issue of “Digitalization of advocacy” at the legislative level in the Republic of Uzbekistan was addressed in the Resolution of the President of the Republic of Uzbekistan from 30.05.2022 № RP-263 “On measures for the widespread introduction of modern information and communication technologies into the activities of the legal profession”¹, which determined that the “Digitalization of advocacy” is the most important part of the legal system. It was determined that within the framework of the information system “Legal Aid”²:

- An electronic register of advocates and a personal electronic office of an advocate will be formed;
- The personal electronic office of an advocate provides the possibility of online dialog with natural and legal persons, online conclusion of an agreement (contract) on remote provision of legal assistance using an electronic digital signature at the request of the principal, as well as online provision of legal assistance;
- Electronic document flow between advocates, courts, law enforcement and other state bodies is being introduced.

In addition, in accordance with the Decree of the Cabinet of Ministers of the Republic of Uzbekistan “On Approval of the Regulations on the procedure for licensing the activities of an advocate through a special electronic system”, licensing from January 1, 2023, the issuance of a license to practice as an advocate is carried out through the information system “License” with the preservation of the current procedure for the applicant to pass the qualification exam.

In addition, the relevance of raising this topic is emphasized by the Decree of the President of the Republic of Uzbekistan “On approval of the strategy “Digital Uzbekistan – 2030” and measures for its effective implementation” from 05.10.2020, №DP - 6079, where special attention is paid to the study and application in practice of opportunities for the use in sectors of the economy technologies of virtual and

¹ Resolution of the President of the Republic of Uzbekistan, dated 30.05.2022, No. RP-263/
<https://lex.uz/docs/6039339>

² <http://e-advokat.uz>

augmented reality, artificial intelligence, cryptography, machine learning, big data analysis and cloud computing³.

The author of the scientific article “Digitalization in Law and Law Enforcement” (Kartskhia A.A.,2018) defines the concept of “digitalization of law” as the use of new technologies in order to optimize processes and legal relations through digital technologies, as well as the creation of a new digital reality, which also requires legal regulation or the presence of a state-authorized regulator⁴.

In accordance with the Standards for Professional Training and Professional Development of Advocates and Advocates’ Trainees approved by the Federal Chamber of the Russian Federation, the training program for advocates includes the area of “Legal Techniques in Advocacy”⁵. The introduction of modern communication technologies makes it possible to improve the quality of client service, increase the efficiency of work and expand the geography of partnership.

- More accessible legal aid: ICT has the potential to positively impact the reach of legal information to the public, which can lay the foundation for a new, up-to-date format of accessibility.
- Big data analysis: ICT is adapted to identify patterns more quickly by analyzing large amounts of information, data and documentation, which can be used effectively at the trial stage.

However, despite a number of clear advantages, there are also dangers associated with the use of information and communication technologies in legal practice. These include issues of data privacy, information security, and the ethical and legal aspects of interacting with clients through various digital platforms.

- Privacy breaches: ICT poses privacy issues because data is stored and transmitted digitally, increasing the risks of leakage or unauthorized access.
- Cybercrime: Lawyers and their clients may become targets of cybercrime such as phishing, extortion and identity theft.

As the digital transformation in law enforcement evolves and spreads, new challenges are also emerging. Issues related to data protection, privacy and cybersecurity are becoming increasingly important. Amin Hasbini, head of Kaspersky Lab’s Middle East research center, in an interview on May 8, 2023, mentioned the presence of many cyber attacks in regions where geopolitical conflicts are taking place. According to him, targeted attacks are mostly set up in Asia, Eastern Europe, North Africa, and the Middle East. Among the countries are Uzbekistan, Kazakhstan, Belarus and Turkey⁶.

According to the national authors, urgent state intervention is required in the legal regulation of civil law relations arising or transforming due to the impact of digitalization and cross-border (Gulyamov S.S. and Rustambekov I.R. (2022)). For this purpose, it would be advisable, according to the authors, to create a joint unified and modified Digital Civil Code (DCC) in order to protect the rights of its citizens and

³ Decree of the President of the Republic of Uzbekistan “On approval of the strategy “Digital Uzbekistan-2030” and measures for its effective implementation” dated 05.10.2020. NO. DP - 6079. <https://lex.uz/docs/5031048>

⁴ Kartskhia Alexander Amiranovich “Digitalization in Law and Law Enforcement”, (2018); Journal “Monitoring of Law Enforcement”, p.37

⁵ <https://fparf.ru/documents/fpa-rf/documents-of-the-congress/the-standard-of-professional-training-and-improvement-of-professional-level-of-lawyers/>

⁶ <https://uz.sputniknews.ru/20230508/uzbekistan-aktivnost-ataki-xakery-prichiny-strany-perechen-34752652.html>

organizations⁷. The purpose of the document is to improve and unify the existing principles and norms of the legislation of the member states of the Eurasian Economic Union (EAEU) in the field of digital civil law .

The study of these aspects is necessary to understand both the dangers and benefits of the use of ICT in the work of lawyers, and to develop appropriate strategies and measures to ensure safety and efficiency in this area.

List of references used:

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⁷ Gulyamov, S.S. and Rustambekov, I.R. (2022) Actual problems of improving civil law regulation in the conditions of digitalization and deepening market reforms: the current state of civil legislation of the Eurasian Economic Union member states and priorities for its improvement (Program) // Scientific Research and Innovation in Industry 4.0 I-Republican Scientific and Technical Conference, p. 245.