

**THE BAR OF UKRAINE AS THE MAIN GUARANTOR
OF THE IMPLEMENTATION AND PROTECTION
OF CITIZENS' RIGHTS IN UKRAINE**

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Abstract. New direction of development of theoretical bases and applied tendencies of providing of legal aid by advocate in Ukraine is offered – it is forming of strategy and tactic to provide legal aid by advocate. Conceptual principles of forming strategy to provide legal aid by advocate which are based on suggestions to form integral hierarchical system of strategies are developed: these are the general strategies to provide legal aid, strategies in the sphere of granting legal aid and individual strategies to provide legal aid by advocate. The applied bases are worked out and practical directions of such strategies are shown. The theoretical proofs are adduced, the applied elements of forming tactics to give legal aid by advocate, which corresponds to the strategy and its structure are developed. A research aim is an analysis of providing of legislative help in Ukraine and making suggestions an advocate in relation to their development. In accordance with the put aim such basic tasks are set forth: to outline constitutional status of person in composition of theoretical pre-conditions of providing of professional legislative help an advocate in Ukraine; to educe directions of development of types of legislative help an advocate; to outline the general legal guarantees of providing of grant of legislative help in Ukraine; to work out forming principles and specify practical aspiration of strategy of providing of legislative help an advocate; to carry out a theoretical ground and work out the applied bases of forming of tactics of providing of legal aid an advocate. A research object are public relations in the field of providing of right for personality on a legislative help. The article of research are theoretical and practical bases of providing of legislative help an advocate in Ukraine. Research methods are select taking into account the put aim, tasks of research, his object and object. All methods were used

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in intercommunication and interdependence, that provided all-roundness, plenitude and research objectivity. Normative basis of research is presented Constitution of Ukraine, Law of Ukraine "About advocacy and advocate activity", current legislation and practical worker of his application.

1. Introduction

Among the most important factors for the existence of a legal state acts ensuring each maximum possibilities for realization and protection of rights, freedoms and legitimate interests. One of the most important constitutional rights of citizens of Ukraine the right to legal assistance is enshrined in article 59 of the Constitution of Ukraine and is the basis for providing and ensuring professional legal assistance attorney.

The Constitution – the basic fundamental law that creates a strong base for other normative-legal acts. Man in the basic law are recognized the highest social value, and therefore the security and protection of personal rights is one of the main responsibilities of the state.

It is the lawyers who have the right to practice law and represent the legal profession of Ukraine, Law of Ukraine "On advocacy activities" of July 5, 2012 mandated to ensure the implementation of protection, representation and provision of other legal assistance on a professional basis. The importance of the tasks which are entrusted to lawyers, their special role in the life of the Ukrainian society require that the state provide them legal assistance has become a measure of legal protection of the individual in society. The achievement of this contributes to strengthening the legislative regulation provide the legal assistance that occurred with the adoption of this Law, the law of Ukraine "On free legal assistance" dated 2 June 2011, the Criminal procedural code of Ukraine of 13 April 2012 and a number of other normative documents, which reveal and clarify their main points.

A lawyer can be a natural person who has full higher legal education, fluent in the state language, has experience in the field of law for at least two years, pass a qualifying examination, internship (except cases, if persons that on the day of handling a statement about admitting to drafting of qualifying examination have experience of work of helper of advocate not less than one year for the last two years), brought the oath of advocate of Ukraine and got testifying to the right on carrying on advocate activity. Normative-legal acts avouch for each a right on a professional legislative help, however

possibility of her realization up to a point depends on skills, mastery and qualification of advocate, that in modern terms needs development to them of strategic foresights and tactical steps gaining end of grant of legal aid. After acquisition Ukraine of independence and acceptance of Constitution of Ukraine for development of institute of legal aid is create additional soil, as Ukraine is included in the circle of the states in that at the level of the Basic law ponderable right each on a legislative help. on July, 17 in 1997 Verkhovna Rada of Ukraine ratified Convention about the protection of rights and fundamental freedoms of man [1, p. 270]. Taking into account that, as far as really positions grow into life, it is possible to judge about a presence or absence of humanistic tendencies in activity of the state and his organs, forming of corresponding directions of public policy. Thus such the possibilities must an equal degree be provided to all citizens. The real converting of the assured rights into life can be attained only with the powerful system of advocacy in Ukraine.

Fulfilling commitment, taken by Ukraine during entering into CE, input of norms and standards of European Union requires corresponding adaptation of national legislation. First of all it touches guaranteeing of constitutional rights for personality, in particular, rights on a legal aid. From the moment of inuring by the adopted Convention these rights began to ward off violations from the side of the state by the European court on human rights. Accordingly, legal regulation of mechanism of realization of constitutional rights for personality is based on scientifically reasonable strategy of reformation corresponding legislations, to the analysis of his accordance to judicial practice of the European court on human rights, keeping national originality here.

2. Providing legal aid free of charge

The receipt of the proper legal aid often enough shows a soba the decision factor of providing of rights and freedoms of citizens. Key in becoming of the system of legal aid is passing an act of Ukraine "About a free legal aid" from Junes, 2 2011, that in accordance with Constitution of Ukraine determines maintenance of right on a free legal aid, order of realization of this right, founding and order of her grant, state guarantees in relation to the grant of free legal aid, appeal of decisions, actions or inactivity of public, organs of local self-government authorities, them public and official

servant on questions grant free legal aid and other [2]. With his acceptance in Ukraine creation of effective mechanism of realization of constitutional right is finally founded each on a professional legislative help that provides the proper implementation Ukraine of her international obligations in the field of human rights and enters the European standards from the grant of legal aid and access to justice.

However ZY "About a free legal aid" regulates only legal relationships in the field of the grant of free legal aid to the legal subjects on a free primary legal aid and subjects rights on a free secondary legal aid, that is set by this law. Under the indicated law, a free primary legal aid is determined as a type of state guarantee, that consists in informing of person of her rights and freedoms, order of their realization, renewal in case of their violation and order of appeal of decisions, actions or inactivity of public, organs of local self-government, public and official servants authorities. She includes such types of legal services, as a grant of legal information, consultations and elucidations on legal questions; drafting of statements, complaints, other documents of legal character (except judicial character); grant of help in providing of access of person to the secondary legal aid and mediation.

At the same time in the marked document the question is and about a free secondary legal aid as type of state guarantee that consists in creation of equal possibilities for access of persons to the justice. In turn, indicated a legal aid includes such types of legal services, as protecting from a prosecution; realization of representative office of interests of persons that have a right on a free secondary legal aid, in courts, other public organs, organs of local self-government, before other persons; drafting of documents of judicial character [2].

Constitutional legal subject on a professional legislative help is any man of regardless of citizenship, age, sex national or any other belonging, and also that is characterized the state of psychical and physical health, social psychological internals, as a person. Realization of right on a legal aid is based on the observance of principles of equality all before a law and to absence of discrimination on the signs of race, color of skin, political, religious and other persuasions, social origin, property state, residence, on language or other signs [3]. At the same time, individuals of right on a legal aid not only individuals but also their communities (people, nationalities, populations of Ukraine, all humanity) can be confessed. Accent attention

on addressness of legal aid, as the her gap-fillingness in every case touches a certain man, citizen, person. As known, the addressness in the most general view means an orientation on anybody or on anything – concrete people or social units are certain. The different degree of addressness (individualizations), sufficient for legal mediation of different types of securing relations within the limits of different legal forms of the legal providing that is determined by some general descriptions, can be accepted thus, as legal relations from a legal aid after the degree of individualization, undoubtedly, are relative, in fact all participants of such relations are clearly certain a law and no other persons of rights and duties do not have for them.

When speech goes about the direct grant of legal aid in relation to her necessity for a certain man, citizen, person, then maintenance is distinguished after her authentication in relation to a legislation, legal norms, their practical application in aspiration on providing of realization of right, freedom of man, citizen, person, defence of this right or renewal in case of violation. Id est a legal aid is specified as a kind or totality of types of legal help, rights and freedoms of certain man, citizen, person, protection of these rights and freedoms, their renewal sent to providing of realization in case of violation.

Implicitly, for the grant of skilled legal aid a person that gives her must own graduate luggage of legal knowledge. There are different requirements in relation to persons, that have a right to render a legal help in certain industries.

3. Legal aid entity

Yes, CPC of Ukraine determines that a defender is an advocate that carries out defence of suspected, defendant, convict, justified, and also person in relation to that application of force measures of medical or educator character is envisaged or a question decided about their application [4]. An obligatory condition here is bringing of defender to the Only register of advocates and advocate formations. As justly Honcharenko, norm of century of 45 CPC of Ukraine, that sets simply, that a "defender is an advocate" is very consoling for advocacy, comments B. G. [5, p. 4]. According to CPC of Ukraine tested the changes of position in relation to admittance near relation as defenders, such persons can not be sufferet as defenders in criminal realization. Consider this change positive, in fact such defence often is amateurish and unskilled.

CAOU a norm that an advocate, other specialist, in the field of law has a right to participate in the trial of business about an administrative crime.

In a civil judicial legislation and there is a concept of representative office in an economic process. Advocates and until recently other specialists can render a legislative help in a court in the field of law in accordance with a century 40 CCP of Ukraine [7]; the matters of legal entities in an economic court conduct their organs, that operate within the limits of the plenary powers given to them by a legislation and constituent documents, through the representative. Last there can be also other persons, plenary powers of that are confirmed by a warrant on behalf of enterprise, organization. To our opinion, only an advocate can deservingly fully realize a right for citizens on a legal aid and carry out their defence. In fact an advocate is not only a graduate lawyer but also person that passed an qualifying exam and got a certificate on a right for carrying on advocate activity. Remark of scientists about absence of mechanism of bringing in of specialists in the field of law to responsibility in case of grant by them unskilled legal aid attention is deserved.

It is expedient to mark that public organs, notarialness, legal clinics only are partly able to render a legislative help and does not can, unlike advocates, fully to provide a legislative help citizens. Advocacy is a professional organ activity of that is legislatively well-regulated, rights, duties, responsibility, are in particular certain, guarantees of activity and others like that. In particular, law of Ukraine "About advocacy and advocate activity" (century 23) the guarantees of advocate activity are envisaged. Not stopped on the detailed comment will mark, that on the whole their maintenance serves as confirmation of guaranteeing and guard of professional rights, honour and dignity of advocate by Constitution of Ukraine, indicated law and other laws.

In accordance with the amendments to the Constitution of Ukraine, it is established that only a lawyer carries out the representation of another person in court, as well as protection against criminal charges. This provision is being phased in: in the Supreme Court and the courts of cassation – has been implemented since January 1, 2017; in the courts of appeal – since January 1, 2018; in the courts of first instance – from 1 January 2019.

Representation of public authorities and local self-government bodies in courts is exclusively by lawyers since January 1, 2020.

Today, the abolition of the lawyer's monopoly is being actively discussed. The community of lawyers expressed their displeasure and concern over

the possible abolition of the monopoly. The Ukrainian authorities have proposed the licensing of lawyers who will represent interests in the courts in the event of the abolition of the lawyer's monopoly. I believe that the decision to abolish the monopoly is not logical and quick. A better way out would be to postpone the monopoly of state and local government representation in the courts for a certain period. Under the legal guarantees of advocacy A.V. Ivantsov understands the remedies enshrined in the rules of law, which ensure the order of their realization, protection and restoration of rights in case of their violation. The author identifies the features of legal safeguards: a) the rights and obligations of the lawyers themselves; b) the procedural form of their exercise of their rights and obligations; c) legal sanctions applied in cases of violation of the rights of lawyers or their failure to perform their duties [7, p. 114].

The presence of rights and duties for advocates guarantees valuable and conscientious activity of advocates from realization of the tasks. Legal approvals give an opportunity to prevent violation of rights and non-fulfillment of duties, to proceed in the broken rights and carats for non-fulfillment of duties, can be used both to the persons that violated rights for an advocate and to the advocates for non-fulfillment of the duties fixed on them.

Thus, a right on the grant of legal aid is legal possibility to carry out realization of right for citizens on a legal aid. Presence of advocacy, that operates as a non-state professional правовозахисний institute is specially authorized for providing and grant of legal aid, it follows to distinguish one of basic general legal guarantees. To our opinion, general legal guarantees guarantee realization of legal aid on the whole, not succeeding to the concrete, narrowly expressed norms in the certain field of law.

Actual for today there is a question of grant of free legal aid. The indicated legal relationships are well-regulated ЗУ "About a free legal aid" from Junes, 2 in 2011 [2]. A law is the special binding over in relation to the grant of free legal aid and clearly delineates the subjects of grant and receipt of free legal aid. Yes, in accordance with p. 1 century of a 9 Law the subjects of grant of free primary legal aid in Ukraine is: 1) executive bodies; 2) advocates, included to Register of advocates that render a free secondary legal aid on permanent basis by contract; 3) advocates, included to Register of advocates that render a free secondary legal aid on temporal basis on the basis of agreement.

As see, for realization of right on a free legal aid necessary combination two constituents – right on a receipt and rights on the grant of legal aid. Right on a receipt a citizen acquires only if he answers the certain category indicated in a law. Public authorities, physical and legal persons of private right, specialized establishments, have a right on the grant of primary free legal aid. Must render a secondary free legal aid right centers from the grant of secondary legal aid, advocates on permanent basis by contract and temporal on the basis of agreement.

The Decree of the Cabinet of Ministers of December 28, 2011 “On Approval of the Procedure and Conditions for Competition and Requirements for the Professional Level of Attorneys Engaged in the Provision of Secondary Legal Aid” [8] provides for the examination by the Competition Commissions of theoretical knowledge, practical skills and competences of the applicant in various fields of law, experience in providing legal assistance as a defense counsel in conducting inquiries, pre-trial investigations and court cases, participation in administrative offenses cases or as representing the interests of persons in courts and other government agencies, local government, before others, the ability to use theoretical knowledge in practice, including the preparation of procedural documents. The Ministry of Justice of Ukraine has approved the list of questions for anonymous written testing of applicants.

The opinion of the Bar of Ukraine cannot be disagreed. The latter has repeatedly emphasized the inadmissibility of conducting a competition for re-evaluation of the knowledge of lawyers, which have already been assessed by the regional qualification and disciplinary commissions of the Bar upon receipt of the certificate on the right to engage in advocacy in accordance with the Law on Advocacy and Advocacy. This reassessment also includes anonymous written testing by lawyers. In order to ensure that lawyers participate in the competition, and therefore for the success of its conduct, other issues that must be studied and basic during the competition, such as: experience and experience of advocacy, specialization of lawyers, desire to provide free assistance in a certain area, are important etc.

In fact, the position of the Bar Association of Ukraine has its legislative confirmation. According to Part 1 of Art. 6 of the Law of Ukraine “On Advocacy and Advocacy” a lawyer may be a natural person who has a full higher legal education, speaks a state language, has at least two years of law

experience, has passed a qualification examination, has passed an internship, has taken the oath of a lawyer of Ukraine and received a certificate of the right to practice law [9]. There is no other special knowledge test, including competitions. Of course, the lawyer is obliged to improve their skills. It turns out that the Legal Aid Laws are questioning the qualifications of lawyers and testing the knowledge they have already tested.

4. Defense strategy and tactics

The author's opinion is the need to create a Law on Legal Aid, as there is currently no law that would regulate and summarize the concepts, types, mechanism of realization of legal aid as a whole – both free and paid.

In order to protect the rights of citizens, it became necessary to improve the ways, methods and instruments of rendering professional legal assistance by a lawyer. After all, in the exercise of legal activity by lawyers, as appropriate social entities, certain necessary, accessible and admissible legal means are used to provide legal assistance. Under the means of permissible means the objects and phenomena by which the implementation of legal activities to achieve the goal and obtain the desired result is ensured [10]. Legal remedies can be used in a variety of ways – certain ways to achieve the stated goal by using specific remedies in the presence of appropriate conditions of activity.

The system of methods and methods aimed at achieving the immediate goals is a legal tactic, and aimed at the achievement of the main, fundamental goals – a legal strategy [10, p. 622].

According to scientists in the field of theory of law, ways to a certain extent determine the style of the actors, and integrated related methods are a particular method of legal action [10, p. 622-626].

Spreading marked on legal strategy and legal tactics, we note the latter as methods of legal action to, respectively, the achievement of fundamental objectives (legal strategy) and the achievement of immediate objectives (legal tactics).

With the help of legal strategy starting with the ideal (formal) anticipations of the result of, legal activity ends with getting the actual result. Depending on the degree of matching of actual and formal result to decide whether or not the subject is the goal, how effective were his actions, methods and tools. The result of legal activity is expressed in the decision or Commission

of legally-significant actions which are fixed in the corresponding legal document (provotorova, enforceability, interpretation the like).

Such a context allows you to identify the legal strategy and legal tactics against the strategy and tactics of legal aid, which methods of legal action aimed, respectively, to achieve the main goals of legal assistance (the strategy of providing legal assistance) and attain the immediate purpose of providing legal assistance (tactics ensure legal aid). The tools provide for legal aid is a specific legal means by which legal aid as a reaction to the problem is being implemented, in particular, in a practical embodiment, by providing her lawyer.

On this basis, we believe that it should be analyzed as one of the main factors in the development of effective legal assistance in Ukraine, the ways, methods and instruments of security in General, and directly providing lawyers. After all, a specific feature of the sphere of legal assistance is that the problems and goals concerning steel and widely understood, and methods and mechanisms of provision – not clearly fleshed out in the first place – regarding the definition:

- long-term goals and broad program of actions, daily tasks, General long-term behaviour of the main activities, the science-based development of real events to ensure clearly defined legal services to the client, that is the strategy of providing legal assistance;

- legal line attorney on the provision of clearly delineated legal assistance for relatively short period, as the combination of lines, forms, receptions, methods and means of realization of legal ideas, programs, achieving the main goal and task, that is, tactics of legal aid.

Thus, the goal is a combination of theoretical provisions with an analytical approach to the solution of actual problems of formation of the strategy and tactics of legal aid in Ukraine to improve the quality, reliability, on the basis of law in the context of directions of its practical implementation, in particular the provision of legal aid lawyers.

It is known that the term "strategy" – of Greek origin, by its original meaning associated with the organization of large-scale military operations [11]. Strategy – (Ancient Greek στρατηγία – the art of the commander) – a general, non-detailed plan of a specific activity that covers a long period, a way to achieve a complex goal. Historically, the term has acquired a broader, "civilian" meaning – the choice of the main direction, the main components of activities to achieve the overall goal [12].

The strategy can be seen as a long-term, consistent, constructive, ideology-driven, uncertain environment-friendly plan that is accompanied by ongoing analysis and monitoring in the implementation process and aimed at achieving success in the end. The strategy has the ability to move from abstraction to concrete in the form of specific plans for functional units, defines the general direction and means of using the means to achieve this goal. Once it is achieved, the strategy ceases to exist as a direction and a means to an end. New goals set the task of developing a new strategy.

It is modern and detailed interpretation of the category "strategy", in our opinion, best suits the nature, content and purpose of providing legal assistance and will serve to further guide for the formation of the latest strategies in the study.

Primary language need in the "strategy of providing legal assistance" and "tactics ensure pracownicza aid" as the basis of their understanding in a broad sense, subordination and developments of scientists on issues that we studied.

With these foundations under the strategy of providing legal assistance to understand the establishment of long-term goals, broad program of action, objectives, overall long-term behavior of the lawyer, the main directions of its activities, the science-based development of real events and phenomena on the provision of clearly delineated legal assistance to the client. The strategy focuses on high quality provision of clearly delineated legal assistance with a lawyer, its object is to develop the main purpose of the programmes at a certain stage of legal assistance, ways and means to achieve it, determines the main link, the main direction in the process of legal assistance for the protection, representation or other legal assistance, the order of the legal problems that can be solved.

However, the strategy is implemented through tactics of providing legal aid, they are components of the organization of activity of the lawyer providing legal assistance and are closely interrelated. Lawyers implement specific strategic and tactical actions in the field of legal assistance based on current legislation and using their own intuition and past experience of such activities. However, the mechanisms for building the strategic interactions concerning the provision of legal assistance in the system "the state solicitor – client", which, in appropriate terms, saying: "the provider of legal aid (state) – the provider of legal aid (lawyer) – purchaser of legal aid (the client)".

Based on the study of current legislation, research of Russian scientists, the practice of the attorneys, we conclude that the provision of a specific lawyer clearly delineated legal assistance to a particular client is possible under the condition that the legal field, a system of subordinates and interrelated strategies, which are:

- general strategy of providing legal aid, which is based on normative-legal acts, regulating and guaranteeing legal aid in the state, defining the limits by the ways of its provision (free, paid);

- strategies for providing legal assistance in the areas of its provision (protection strategy in providing legal aid, strategy for representation in providing legal aid, strategy for providing other types of legal aid) in relation to the relevant branches of law within the general, which takes into account the specificity of the legal aid in certain types and areas rights (criminal, administrative, civil, commercial, etc.).

Individual strategies for the provision and provision of legal assistance by lawyers, based on previous ones, taking into account the direct content, nature, appropriateness and conditions of providing legal assistance to attorneys-at-law (clients).

In this context, the strategy of providing legal assistance to a lawyer in the area of defense counsel is the art of guiding the defense process, the content of which is determined by:

- a) the nature and stage of protection (at the stage of pre-trial investigation, court proceedings, after conviction or after acquittal, at the stage of foreseeing the use of coercive measures of a medical or educational nature or the decision on their application in criminal proceedings, during the period of consideration of extradition, at appropriate stages of administrative liability in the case of administrative offenses);

- b) belonging of a person on a certain basis to those in need of legal assistance in protection (suspect, accused, convicted, acquitted, a person for whom the use of compulsory measures of medical or educational character or the question of their application in criminal proceedings, a person is resolved, a person which deals with the issue of extradition (extradition) to a foreign state, a person who is held to administrative responsibility when considering an administrative offense case);

- c) the circumstances that accompany these features.

Based on and subject to us the fundamental elements, which are assumed to be built any strategies to ensure legal assistance in areas of its

provision, we consider it appropriate to adapt the basic strategic principles of protection, as follows:

1. The strategy of providing legal assistance attorney protection is elected along with a lawyer and his client, while critical opinion of the principal.

2. The optimal strategy for the defensive activities must be made at the earliest date since the beginning of the need to provide legal assistance in the sphere of protection in relation to the client and consistently maintained throughout the period of provision of such legal assistance.

3. The strategy of providing legal assistance a lawyer in the sphere of protection should be based on the optimum aggregate of the following interrelated elements: protection, defence, protection, analysis of the situation, which are protected (suspicion, pre-trial, trial, plastovo, the use of coercive measures of medical or educational nature, attraction to administrative responsibility for administrative offenses), the definition of protective situation (situation of protection) and the position in the case (defense position).

4. The strategy of providing legal assistance a lawyer in the sphere of protection should be based on informed and agreed in advance an optimal combination of active actions and expectations.

5. The strategy of providing legal assistance in the sphere of protection should be based on axiomatic principles governing the activities of defense counsel.

6. The strategy of providing legal assistance in the scope of the protection should be aimed at effective implementation of the activities of the lawyer, providing professional protection.

On the basis of generalizing the coverage of the problem in the legal literature [13, p. 158; 14; 15], consider the types of positions in the strategy of providing legal assistance to a defense lawyer and give a brief description of them.

1. The position of innocence. This position means that the client does not plead guilty to any of the criminal offenses in which he is suspected (charged). The legal construction of this position may be expressed in the absence of a crime, the absence of an event of crime, unproven allegations of a crime, proven indifference to a crime. The assertion of the position is accompanied by the active actions of the lawyer, which have the nature of a legitimate counteraction to the criminal prosecution of his client on the whole volume of the charge.

2. The position of partial blame. Such a position may be taken by the defense party both in full and in part to plead guilty. The legal construction of this position may be expressed in the amount of the charge (for example, the number of episodes of criminal activity), the contestation of the correctness of the qualification of actions, and the contestation of legally significant facts. The assertion of the position is accompanied by the active actions of the lawyer, who have the character of legitimate counteraction to the criminal prosecution of his client in the areas in which the guilt is not recognized as a defense.

3. Position full of guilt. This position is elected in the case when all versions on the innocence or guilt of a partial side protection has been tested, evaluated and unconfirmed, and the recognition of the defendant of his guilt and the correctness of the skill is not in doubt. The legal structure of the specified position can be expressed as in full agreement with the prosecution, and in asperen aggravating circumstances, sporen a person has selfish motives, motives, direct intention, form of guilt, etc., to establish and demonstrate the existence of extenuating and exceptional circumstances, the evaluation of the data on the identity of the accused, evaluation of behavior and personality of the victim, preparation for the criminal trial the "special order", including for the retraining of criminal acts of the defendant. Position maintenance is active in the actions of the lawyer, which have the character of analysis of the situation, denial or neutralize aggravating circumstances, finding mitigating circumstances, the forcing procedure for fixing the latter and use in the interests of his client.

4. The position of silence. This position is characterized by the fact that the defendant did not Express their attitude to suspicions and accusations, does not take part in any investigative actions and refuses to testify on the basis of article 63 of the Constitution of Ukraine. This position can be as an intermediate in cases where the defense does not have sufficient data for evidence-based decision one of the three above-described positions, and have the character constant.

Shogunate with proposition E. Y. Lvova, which indicates that the evaluation of a particular position should be carried out according to the following parameters: credibility (weakness); the logic (illogic); the sequence (not a sequence); inconsistency (no inconsistency); conformity to common sense (mismatch common sense); consistency of evidence (outside evidence) [16].

In addition, when forming a position of defense in group cases, one more basic principle of advocacy should be observed – not to create "conflicts", that is, contradictions between participants in a group case.

In particular, a peculiar systematization of the protection schemes produced by the practice was carried out by Y. P. Zeykan, in which he was distinguished [17, p. 202-213]:

– protection according to the principle "from the law – to the case", according to the scheme of which the defender performs a thorough analysis of the legal norm, clarifies the peculiarities of the crime and reveals the conformity of the qualification of the committed legal norm, clarifies the cause and effect, the form of guilt, motives;

– protection “from critique of prosecution to acquittal”, according to which the defender, on the basis of detection, evaluation and systematization, criticizes the material and fundamental errors that have been made by the investigation, which can lead to a positive result of the defense;

Defense "on testimony and critical assessment", the scheme of which provides a search for protective opportunities through a critical but objective assessment of the circumstances of the case, in which the issue of the fact of the event is no longer disputed, and public opinion about the defendants is already formed as a negative and the majority of participants in the court the meetings consider the guilt of such persons obvious.

This systematization attracts a clear practical direction, as it is accompanied by a description of examples of specific cases.

These may include the following types of legal aid assistance strategies:

1. Strategies for providing legal assistance in the field of protection, collectively referred to as the “Full Justification Strategy”, or a strategy for providing legal assistance in the field of protection of the first type. All the activities of the lawyer are directed to full acquittal of the client who does not plead guilty to the full amount of the charges. Such a strategy can be developed and implemented only if not only the client himself, but also the defense lawyer are convinced of the complete innocence and lack of evidence to support the crime, administrative violation, other events requiring protection, the composition of these events, and also in the presence of other circumstances that are the basis for closing the case.

2. Strategies for providing legal assistance in the field of protection, symbolically referred to as "Partial Justification Strategies", or strategies for

providing legal assistance in the field of protection of the second type. All of the lawyer's activities are aimed at justifying individual episodes of activity that aroused the need for protection (crime, administrative misconduct, other events in need of protection) and seeking mitigating circumstances for client-recognized episodes.

3. Strategies for providing legal assistance in the field of protection under the conditional name of the "Guilt Mitigation Strategy", or a strategy for providing legal assistance in the field of protection of the third type. All the activities of the lawyer are aimed at finding circumstances that mitigate guilt by episodes of activity that caused the need for protection (crime, administrative misconduct, other events requiring protection), which are fully recognized by the client.

4. Strategies for providing legal assistance in the field of protection, collectively referred to as the "Hiding Strategy", or strategies for providing legal assistance in the field of protection of the fourth type. The availability and use of strategies of the type indicated are caused by the conditions mentioned above, when the defense refuses to answer questions about a case in which there is a need for protection, refuses to participate in other actions. The advocate's activity is to search for data for a reasoned perception and to move to one of the three types of strategies described, or to adhere to that strategy (except in cases of self-deception).

Of great importance for forming an individual strategy for providing legal aid are the personal qualities, interests and inclinations of a lawyer: honesty and integrity; organization; erudition, broad outlook (relevant knowledge in the fields of related sciences); punctuality, responsibility; high moral qualities (principle, conviction, responsiveness and attentiveness to people, etc.); tact (ability to express a sense of measure); flexibility, advanced intuition; business acumen, perseverance, objectivity; self-control, cold-bloodedness; sociability, energy; ability to quickly restore performance; the desire for self-improvement.

The timely formation of an individual strategy of providing legal assistance to a lawyer, a deliberate line of its implementation – all this gives the lawyer the opportunity to clearly formulate their views, to orient themselves in different situations, to introduce into the formed strategy the necessary tactical elements when providing legal assistance in identifying new circumstances.

5. Conclusions

In addition to studying the motives for the need for professional legal assistance, the reasons and conditions of the circumstances that led to the need for, respectively, protection, representation or other types of legal assistance, the client's personality and his psychology should be well known. Having studied, analyzed and drawn conclusions about the client's personality and on this basis logically considering the individual (own) strategy of providing legal aid, the lawyer can achieve positive results.

The tactics of providing legal assistance to the lawyer is to determine the methods, means, legal line of the lawyer to provide clearly defined legal assistance to the client for a relatively short period, subordinated to the strategies of providing legal assistance to achieve the main goal and objectives of the strategy that are most relevant to the particular circumstances and provide strategic success. A lawyer's tactics of providing legal aid are determined and subordinate to the legal aid strategy.

Thus, the main guarantor of the protection of the rights and freedoms for the legitimate interests of citizens in Ukraine are lawyers, whose main task is to ensure the protection, representation and other legal assistance on a professional basis.

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