

Legal Studies*Правильная ссылка на статью:*

Nadtochiy Y.B. — Legal assistance: current state, problems and prospects // Юридические исследования. — 2023. — № 12. — С. 36 - 47. DOI: 10.25136/2409-7136.2023.12.69386 EDN: DTLORH URL: https://nbpublish.com/library_read_article.php?id=69386

**Legal assistance: current state, problems and prospects /
Юридическая помощь: состояние, проблемы и
перспективы****Надточий Юлия Борисовна**

ORCID: 0000-0001-8880-4131

кандидат педагогических наук

доцент, Департамент стратегического и инновационного развития, Финансовый университет при Правительстве Российской Федерации

125167, Россия, г. Москва, ул. Ульяновская, 49

[✉ YfInjxbq-7e@yandex.ru](mailto:YfInjxbq-7e@yandex.ru)[Статья из рубрики "Человек и государство"](#)**DOI:**

10.25136/2409-7136.2023.12.69386

EDN:

DTLORH

Дата направления статьи в редакцию:

15-12-2023

Дата публикации:

22-12-2023

Аннотация: Одной из главных социальных задач нашего государства признается такая задача, как обеспечение доступности грамотной юридической помощи для граждан нашей страны. Важность юридической помощи как самостоятельной гарантии прав, свобод и законных интересов не вызывает сомнений. Вопрос состоит в том, насколько необходима и востребована юридическая помощь в современных условиях. Целью описанного в статье исследования являлось изучение состояния, проблем и перспектив развития системы бесплатной юридической помощи в России в современных условиях. Правовое регулирование (правовое обеспечение) является в настоящее время неотъемлемым компонентом функционирования различных сфер деятельности человека.

Так же как и любая проблема в социальной и экономической сфере разрешается с опорой на нормативно-правовое обеспечение. В исследовании в основном использованы теоретические и эмпирические общенаучные методы и конкретно-научные методы, такие как: анализ, синтез, индукция, дедукция и сравнение, а также анкетирование. В ходе реализации поставленной цели изучены основные вопросы, касающиеся оказания бесплатной квалифицированной юридической помощи населению. Полученные результаты проведенных исследований свидетельствуют о том, что недостаточная информированность населения о возможностях юридической поддержки, а иногда и юридическая безграмотность приводят к тому, что обращаться за бесплатной юридической помощью в России многие опасаются. Также результаты проведенного исследования об отношении молодого поколения к бесплатной юридической помощи позволяют сформулировать некоторые практические рекомендации в области проведения работы по повышению уровня правовой культуры и грамотности нашего населения. В целом в статье автор рассматривает некоторые аспекты оказания юридической помощи населению и пытается ответить на вопрос: нуждается ли современная молодежь в юридической помощи и как относится к существующей организации правовой поддержки населения в нашей стране.

Ключевые слова:

поддержка, правовая поддержка населения, юридическая помощь, консультации, бесплатная помощь, юристы, проблемы, перспективы, опросы, студенты

Introduction

Legal regulation (legal support) is currently an integral component of functioning of various spheres of human activity. Similarly, any problem in the social and economic sphere is resolved basing on legal and regulatory support.

Free legal assistance is rendered according to Federal law dated 21.11.2011 No. 324-FZ which establishes the main guarantees for implementation of rights of the citizens of the Russian Federation for obtaining free qualified legal assistance in the Russian Federation, the organizational-legal basis for the formation of state and non-state systems of free legal assistance and organizational-legal basis of activity aimed at legal informing and legal education of the population. Participants of the non-state system of free legal assistance are: legal clinics (student's consulting bureaus, student legal bureaus, and others) and non-state centers of free legal assistance (Federal Law dated 21.11.2011 No. 324-FZ «On free legal assistance in the Russian Federation»).

The purpose of legal assistance is to transform (overcome or prevent) a particular problematic legal situation for the purpose of maximally complete implementation of the rights, freedoms, and legitimate interests of a particular recipient of assistance [\[1\]](#).

Today, the delivery of most services is moving to social media. Many lawyers have their own social media accounts. In this regard, some both official and unofficial rules of conduct for lawyers are defined. For example, it is strictly forbidden to post information about your clients; you should be careful about commenting on any widely discussed events, and it is better not to tell everyone about your personal life. In general, it is recommended to look at your account "from the outside", from the client's perspective, so to say, and answer the question: would you turn to such a lawyer for help? [\[2\]](#). However, it is believed that in

Russia there is virtually no regulation of lawyers' behavior and activity in social media now, unlike in other countries [\[3\]](#).

With the active development of legal social media, one of the pressing issues is the trust problem of free online legal advice on various legal portals. Often, lawyers give free of charge general recommendations on issues of interest to people, and for a more detailed consultation, they require concluding a paid legal services contract. Thus, people feel that even a competent free advice of a lawyer may lead to the necessity to apply for further paid legal support in solving the issue of interest. There is a perception that free demo consultations are aimed at a general understanding of the disputed matter. In this situation, many people find a way out in using not one, but many free legal advices in various legal consultations (on different portals), but mostly it works when solving not very complex legal problems.

As previously noted, in modern realities, legal assistance is recognized as one of important legal means, a necessary element of the mechanism for securing rights and freedoms. In this connection, the significance of legal assistance is noted, which is determined by objective factors as well as subjective factors, both positive and negative, including the following [\[1\]](#),[\[4\]](#):

- increasing role of law in public relations, role of legal mechanisms for satisfying various economic, political, spiritual and other interests of subjects;
- objective impossibility for the majority of citizens, due to the lack of special knowledge in the field of jurisprudence, to defend their rights, freedoms and legitimate interests, to protect against lawlessness on the part of law enforcement bodies;
- insufficient level of development of legal consciousness and legal culture of citizens which often does not allow them to use even the simplest legal means for implementing their rights, freedoms and legitimate interests in some or other actual life situation.

The website of the Russian Federation Ministry of Justice (Website of the Ministry of Justice of the Russian Federation. Retrieved from <https://minjust.gov.ru/ru/pages/pravovaya-informaciya/besplatnaya-yuridicheskaya-pomosh/>) clarifies what is meant by free legal assistance with reference to Federal Law No. 324-FZ "On Free Legal Assistance in the Russian Federation", describes the implementation of state policy in free legal assistance, lists categories of people entitled to such assistance, discusses the list of documents required when applying for free legal assistance, etc. The website of the Russian Federation Ministry of Justice (The RF Ministry of Justice, 2021) provides a list of documents required when applying for free legal assistance.

Materials and Methods

The research goal was to study the status, problems and prospects for developing the Russian system of free legal assistance.

In our opinion, it is necessary to answer the question: do present-day youngsters need legal assistance, and how they regard the existing organization of legal support for the population? In 2014, a survey was conducted for the purpose of identifying the demands of the younger generation for legal consulting. During the survey, 105 completed questionnaires were collected. Students of the 1st - 3rd year of the Moscow state University of instrumentation and informatics (now "MIREA - Russian Technological University") participated in the survey [\[5\]](#).

In March 2020, a slightly different survey was conducted, which was also aimed at identifying the attitude of present-day youngsters to the existing organization of legal assistance for the population. A total of 142 students of the 1st – 3rd year studying at "MIREA – Russian technological University" were interviewed [\[6\]](#).

The research methodology was based on a combination of theoretical and empirical general scientific research methods and specific scientific methods: analysis, synthesis, induction, deduction and comparison, as well as questionnaire survey. Theoretical analysis of different approaches to providing free legal assistance now, including online, as well as generalization and comparison of the considered opinions allowed us to describe the main views on the status of free legal assistance system in Russia. Main source for empirical information was a questionnaire survey of students. The questionnaire survey was conducted by random sampling methods.

However, it is obvious that the obtained results, although thought provoking, do not fully reflect the current problems in the existing structure of legal assistance for population, as the sample is not representative.

Results

Results of the 2014 survey

In the first question of the questionnaire, it was suggested to mention how often the respondents (their family members) apply for assistance to a legal consultation office. The survey showed (fig. 1): just under a half (almost 42%) never applied to lawyer; 24% – seldom; and a third (34%) – in case of necessity, and for 3% there is a lawyer in the family. It should be noted that the majority still needs legal consulting

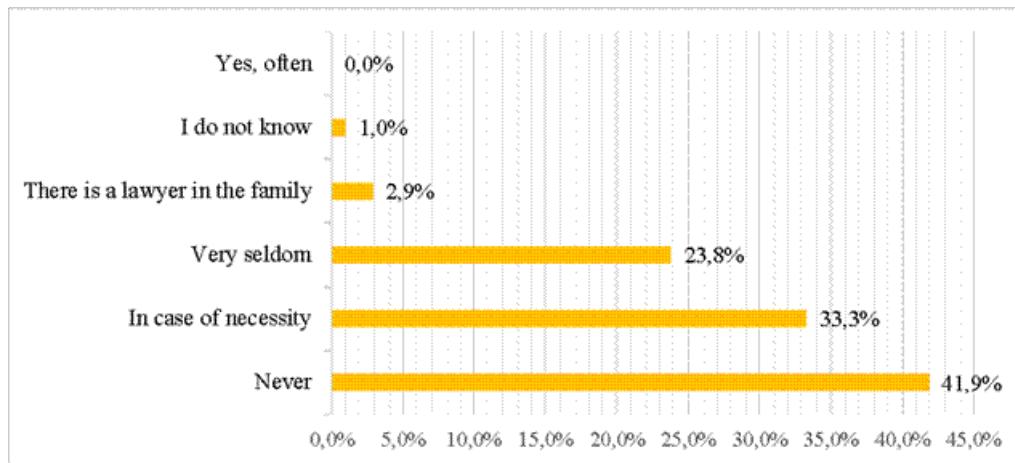


Fig. 1. Distribution of replies to the question about the necessity to apply for assistance to a legal consultation office (% of total number of respondents). *Source:* Compiled by the author.

When specifying the reasons for applying to a legal consultation office, in the first place were the issues related to real estate (41%), followed by personal problems (problems at work, in relationships, etc.) (22%), and in third place (13%) were the questions of knowledge of their rights and responsibilities (fig. 2).

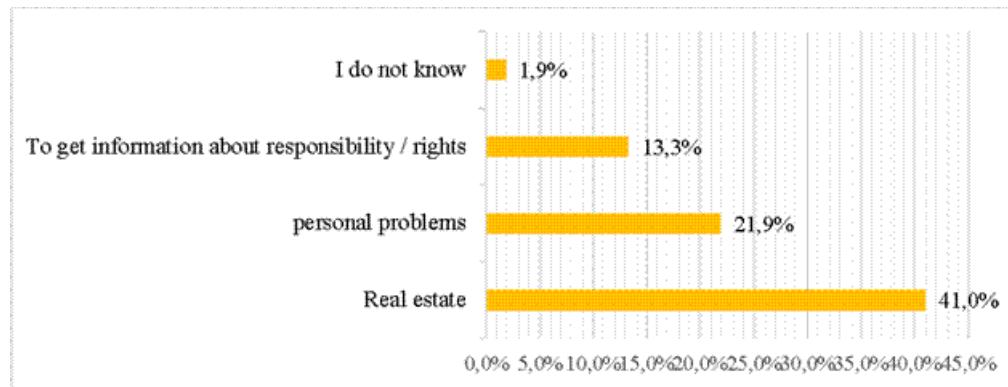


Fig. 2. Distribution of replies to the question about the reasons for applying to a legal consultation office (% of total number of respondents). *Source:* Compiled by the author.

Further, the survey participants were proposed to evaluate the necessity for existence of such a service as legal consulting. The majority of participants (77%) reckon that assistance of experienced lawyers is necessary; 14% think that it is not always necessary, and 8% consider that there is no such necessity (fig. 3).

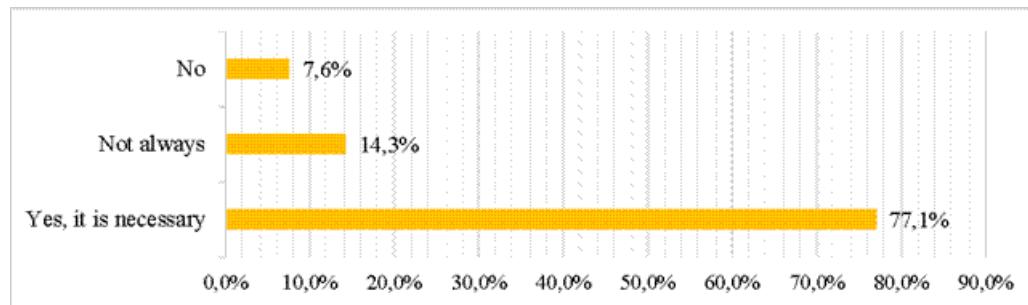


Fig. 3. Distribution of replies to the question about the necessity for existence of legal consultation offices (% of total number of respondents). *Source:* Compiled by the author.

The opinions of respondents in regard of the types/forms of consulting varied significantly (fig. 4): 38% insist on face-to-face communication with a lawyer; 23% admit the possibility of consulting via the Internet (including online consultations); 27% prefer anonymous consulting, while 39% wish to get legal support in various ways. The following replies got a small percentage of votes: consultations by phone only (8%); by email (5%); written consultations (4%). And depending on the previous replies (never applied to lawyers for advice), the following reply is possible: "I do not know" (3%).

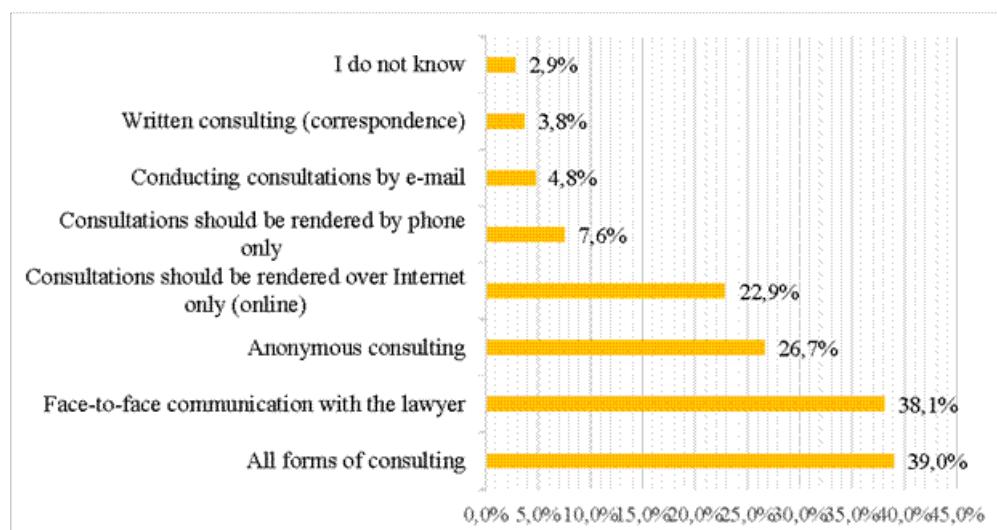


Fig. 4. Suggestions of the respondents for improving the organization of operation of a legal consultation office (% of total number of respondents). *Source:* Compiled by the author.

In reply to the question "How will you search for (choose) a specialist who renders legal consulting if necessary?", more than half (61%) of respondents answered that using the Internet; 58% – with the help of friends / acquaintances; 29% – with the help of close relatives, and only 1% – with the help of a telephone directory (fig. 5).

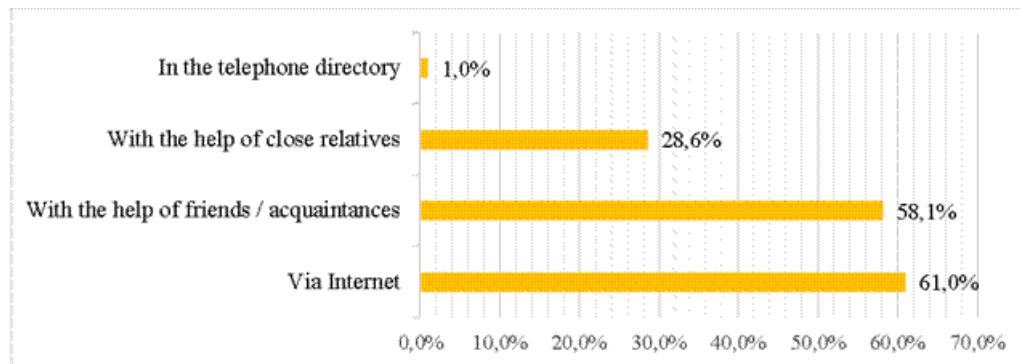


Fig. 5. Distribution of replies to the question about the method of search for the necessary consulting specialist (% of total number of respondents). *Source:* Compiled by the author.

The survey shows that almost 64% of respondents trust modern lawyers, 29% sometimes trust the advice of lawyers; 7 % have no trust, and 2% get consultations of several lawyers on the same issue (fig. 6).

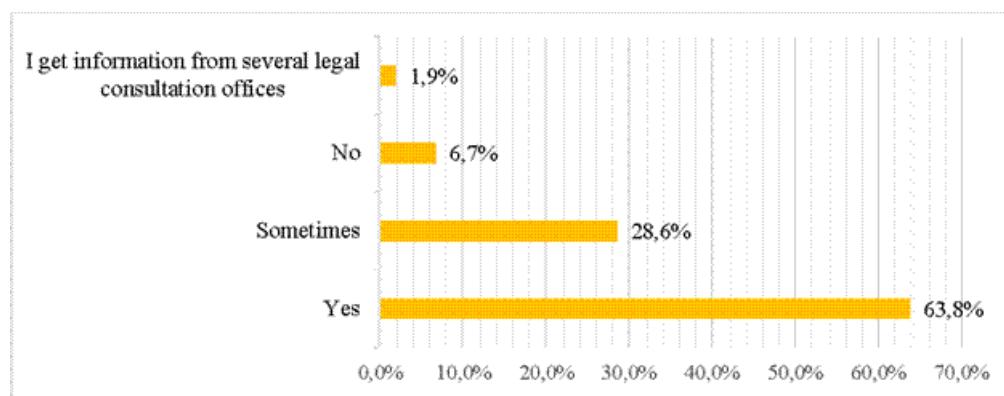


Fig. 6. Distribution of replies to the question: "Do you trust the advice of lawyers from a legal consultation office?" (% of total number of respondents). *Source:* Compiled by the author.

To reveal the level of professionalism of modern lawyers, the survey participants were asked to evaluate the level of knowledge and preparedness of lawyers. About half of respondents (45.7%) evaluated knowledge and preparedness at four points; 18% – at three points; 6.7% assigned the highest score (five points); almost 5% noted lack of knowledge (two points), and 22.8% chose the answer "I do not know" ("very high level of knowledge and preparedness" – 0%) (fig. 7).

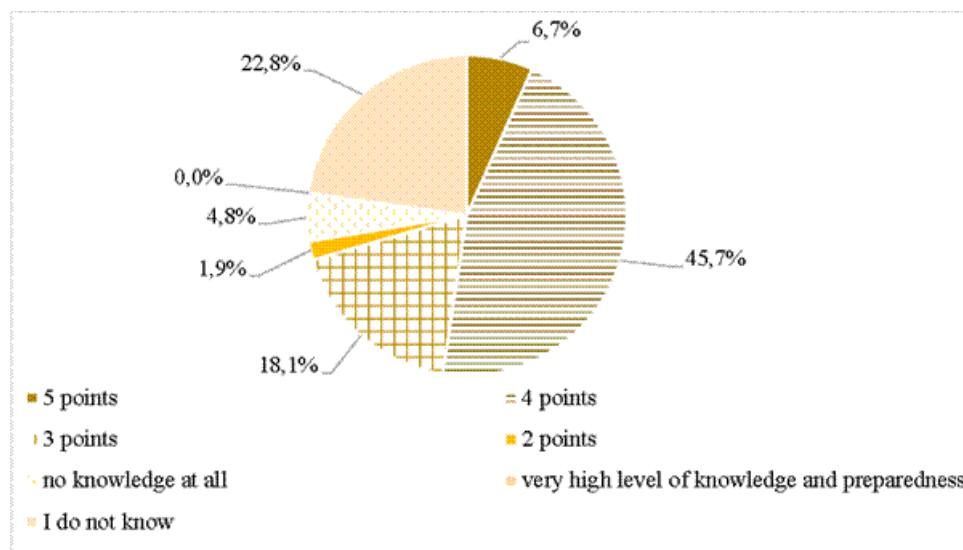


Fig. 7. Diagram of the evaluation of knowledge and preparedness of modern lawyers (according to the opinion of survey participants). *Source:* Compiled by the author.

Results of the 2020 survey

The first question was aimed at identifying trust to the offer of free legal assistance to the population, and the majority of respondents (77.5%) replied that they do not trust free legal consultations (fig. 8). It should be noted that of those who gave positive reply to the first question (22.5%), almost all did not use the services of lawyers (the third question of the survey).

Then the question was asked: "Do you trust the advice of lawyers of paid legal consultation offices?". 70.4% of the survey participants said that if they need legal assistance, they would prefer to apply for paid assistance (fig. 9).

When replying the following question: "Have you applied for assistance to a legal consultation office?", it was revealed that almost three-quarters of students (74.6%) have never been clients of legal consultation offices, and have not used the services of lawyers (fig. 10).

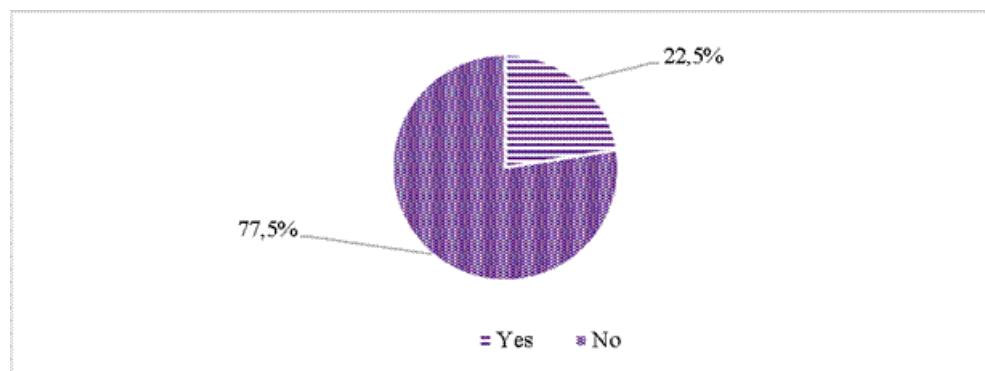


Fig. 8. Distribution of replies to the question about trust to the offer of free legal assistance. *Source:* Compiled by the author.

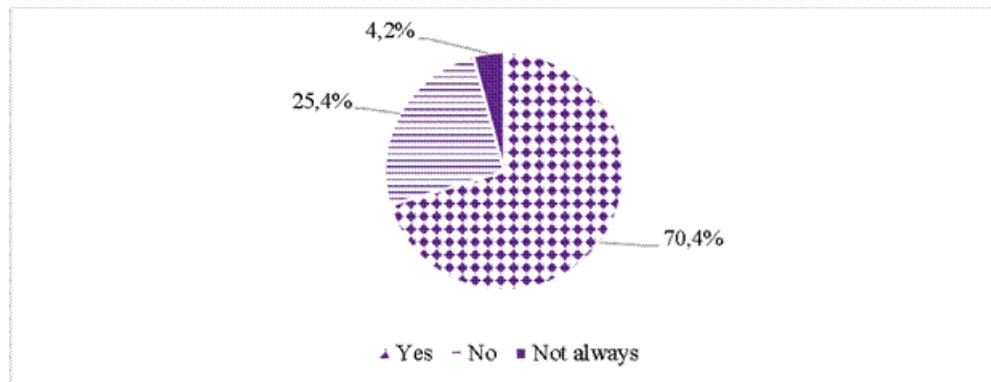


Fig. 9. Distribution of replies to the question about trust to the offer of paid legal assistance. *Source:* Compiled by the author.

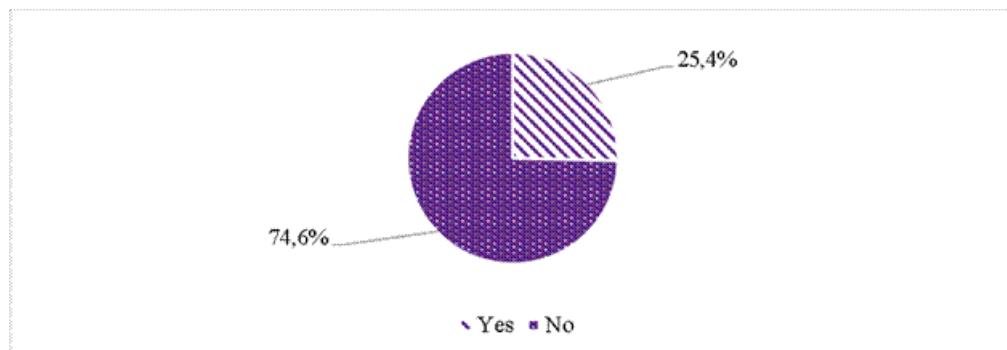


Fig. 10. Distribution of replies to the question about applying for legal assistance. *Source:* Compiled by the author.

Of the 25.4% (36 people) who applied for assistance to a legal consultation office, the majority (22 resp.) stated that they were satisfied with the legal support they received (fig. 11).

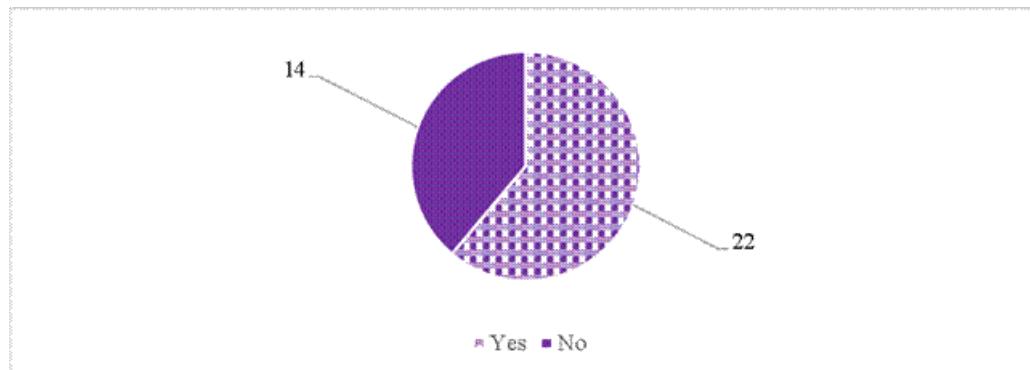


Fig. 11. Distribution of replies to the question: "Are you satisfied (content) with the legal assistance rendered to you?" (respondents). *Source:* Compiled by the author.

The last question concerned the preferences of youngsters when choosing a lawyer for rendering legal assistance to them. The majority of survey participants (83.1%) prefer to apply for legal support to familiar and trusted lawyers (fig. 12).

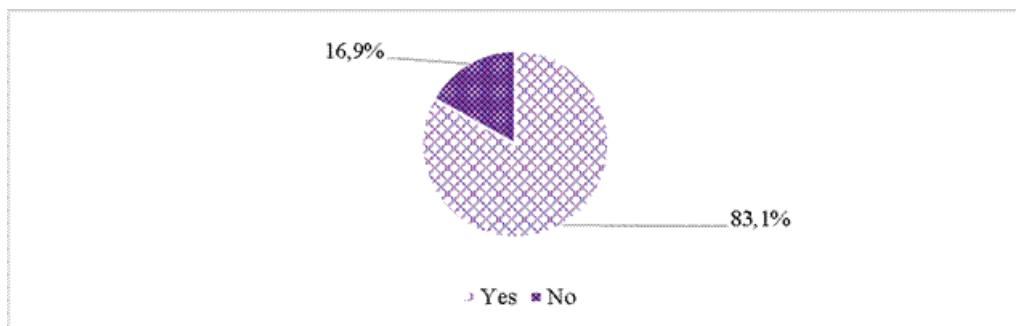


Fig. 12. Distribution of replies to the question about the preference to apply for legal support to familiar lawyers. *Source:* Compiled by the author.

In general, according to the results of the 2014 survey, we can conclude that youngsters have a very positive attitude to legal consulting. So, legal assistance is regarded by most people as necessary, and modern lawyers in most cases are trustworthy, because they have sufficiently professional knowledge.

The obtained data of the 2020 survey show that the younger generation is apprehensive of applying for legal assistance to unverified lawyers, and to legal consultation offices that offer free assistance.

Discussion

As noted above, one of the urgent issues is regulation of lawyers' activities in social media. The key challenges to addressing this issue in Russia are related to the fact that [3]: there are difficulties in controlling the activities of all lawyers; social media are an integral feature of modern generation (including generation of young lawyers) and they have become ubiquitous; unspoken rules of activity in social media are being developed and many young lawyers provide services only online.

We should note that today the online and telephonic form of legal assistance is actively developing, but face-to-face (so-called offline) consultations are still in high demand [7].

As online counseling is developing, we propose certain recommendations for lawyers actively positioning themselves on social media [3]:

- Maintaining confidentiality of professional information about their work, circumstances of pending cases, clients, etc...,
- Refraining from making any incorrect statements about high-profile events and opponents,
- Avoiding political agitation and propaganda in his/her statements as a lawyer,
- Publishing verified information that is not contrary to the laws of the country,
- Observance of reasonable boundaries between public professional and private life,
- etc.

No information about the results of mass surveys analyzing the attitude of Russians to free legal assistance is widely available. There are only numerous reviews and advice from people who "faced" certain problems and applied for free legal assistance, among which negative reviews prevail, indicating one or another reason for dissatisfaction with the service rendered to them.

Now, some proposals have already been developed to improve the procedure for providing free legal assistance and the forms of legal information and education [\[7\]](#):

- In order to increase the accessibility of legal information and legal assistance for people, it is necessary to create a single portal containing relevant information on the rights and obligations of individuals and legal entities, ways of their protection, allowing to obtain legal assistance, etc.,
- To simplify the process of obtaining documents confirming a person's right to free legal assistance,
- To create a standard for the provision of free legal assistance,
- To introduce an assessment of effectiveness of the free legal assistance system in the constituent territories of the Russian Federation with possible subsequent financial support for the regions demonstrating the best results,
- etc.

The following are the main issues that need to be addressed from the perspective of free legal assistance lawyers themselves [\[8\]](#):

- Development of digital technologies and promotion of legal assistance,
- Need for better remuneration of lawyers providing free legal assistance.

Conclusion

One of the challenges to the development of free legal assistance in Russia is the problem of legal illiteracy of the population: if a person does not know that his/her rights have been violated, he/she does not seek any legal assistance.

Based on the research results, it is possible to propose recommendations to improve the level of legal culture and legal literacy of the population:

- Educational activities/propaganda,
- Legal education and self-training/self-education,
- etc.

These recommendations are not new and are easy to implement, but they are very effective in practice if implemented in a thoughtful, structured and systematic way.

In conclusion, it should be noted that the right of every person for obtaining free qualified legal assistance requires a certain level of its orderliness. The main distinctive feature of our time is the global nature of informational flows, the availability of huge amounts of information to people of almost all ages through mass media. Besides, the impact of information on people becomes more manageable, and at the same time its "penetrating capacity" increases. In this connection, it is necessary to conduct work on improving the legal awareness of the population in whole.

Moreover, given the active development of free online legal consultations, measures should be developed to draw up regulations for the activities (including rules of conduct) of lawyers in social media.

Библиография

1. Панченко В.Ю. Юридическая помощь (вопросы общей теории): монография. Красноярск: Сибирский Федеральный Университет, 2011.
2. Малаховский, А. Адвокат, инхаус, судья: чего нельзя в соцсетях // Портал «Право.Ru». URL: <https://pravo.ru/story/212756/>
3. Хапалин И. Юристы в социальных сетях. Степень регламентированности поведения юристов в России и за рубежом // Экономика и Жизнь. 2017. URL: <https://www.economika.ru/article/342424/>
4. Sheiafetdinova, N.A., Petrova, R.E., Solovyev, A.A., Mischenko, E.V., & Dorodonova, N.V. Transport medicine, or medical support of passenger transport services: legal aspects, problems and prospects // The Russian Journal of Preventive Medicine. 2018. № 21 (4). Pp. 80-83. <https://doi.org/10.17116/profmed201821480>
5. Arlamenkov A.Yu., Nadtochiy Yu.B. Legal and Psychological Aspects of Legal Advice // Special features of modern legal systems: cases and collisions: Monograph Volume 2/ ed. by L. Shlossman. Vienna: "East West" Association for Advanced Studies and Higher Education GmbH, 2014. Pp. 15-31.
6. Васильева О.Н., Надточий Ю.Б. К вопросу о проблемах и перспективах развития системы бесплатной юридической помощи в России // Образование и право. 2022. № 9. С. 53-64.
7. Шувалова М. Система бесплатной юридической помощи: как работает в регионах и почему не все, кому эта помощь положена, ее получают? // ГАРАНТ.РУ. URL: <https://www.garant.ru/article/1424937/>
8. Жаров В. Адвокаты готовы к работе как в отдаленных поселениях, так и в условиях чрезвычайных обстоятельств // Сайт Федеральной палаты адвокатов Российской Федерации. URL: <https://fparf.ru/polemic/discussion/besplatnaya-yuridicheskaya-pomoshch-problemy-i-resheniya/>

Результаты процедуры рецензирования статьи

В связи с политикой двойного слепого рецензирования личность рецензента не раскрывается.

Со списком рецензентов издательства можно ознакомиться [здесь](#).

Представленная на рецензирование научная статья на тему: «Юридическая помощь: состояние, проблемы и перспективы» представляет собой актуальное юридическое исследование. Актуальность проведенного исследования обоснована необходимостью организации бесплатной квалифицированной юридической помощи в целях реализации права каждого человека на ее получение. Определена «проникающая способность» воздействия информации на людей и результаты их деятельности в связи с глобальностью информационных потоков и доступности огромных объемов информации, что требует повышения уровня правового сознания населения в целях превентивного и профилактического противодействия деструктивному влиянию и недопущению противоправных действий в глобальной информационной среде.

Также обращается внимание на то обстоятельство, что информация о результатах массовых опросов, анализирующих отношение россиян к бесплатной юридической помощи, в широком доступе отсутствует. Сказанное вполне свидетельствует о необходимости подъема такого рода научно-практических проблем в современных российских юридических исследованиях.

Авторами определен предмет исследования, его цель и задачи. Исследование обладает

определенной научной новизной, несмотря на то обстоятельство, что данная проблема находится в центре внимания современных ученых-юристов.

Положительно следует отметить, что рецензируемая статья структурирована и в ней выделен специальным образом методологический раздел. Авторами статьи использованы различные методы и подходы. Анализ источников базы исследования показал, что при подготовке рецензируемой статьи было использовано достаточное скромное количество научных работ (8 позиций) разных лет. К сожалению, данное обстоятельство, по нашему мнению не позволило авторам развернуть полноценную научную дискуссию. Хотя, в библиографическом списке представлены и монографические исследования.

Содержательно в статье представлены результаты опросов различных лет с целью выявления потребностей молодого поколения в юридических консультациях на материалах конкретного российского вуза, по результатам которых сформулированы необходимые выводы и получены результаты. Положительной оценки также заслуживают разработанные авторами статьи рекомендации и предложения по совершенствованию порядка оказания бесплатной юридической помощи и форм юридического информирования и просвещения. Уделено внимание отдельным, специфическим проблемам - регулированию деятельности адвокатов в социальных сетях, недостаточный уровень развития правосознания и правовой культуры граждан и др.

В статье представлен визуализированный материал, что значительно повышает, по нашему мнению, читательский интерес к статье. Рецензируемая статья написана на английском языке. Научный и информационный материал изложен логично.

Таким образом, исходя из вышеизложенного, считаем, что рецензируемая научная статья на тему: «Юридическая помощь: состояние, проблемы и перспективы» соответствует необходимым требованиям, предъявляемым к такому виду научных работ и ее можно рекомендовать к опубликованию в искомом научном журнале.