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## **LEGAL CLINICS AS SPECIAL ENTITY TO PROVIDE FREE LEGAL AID**

The transformations and changes that have taken place in our state over the last decade affect various areas. Jurisprudence in general and legal education in particular are no exception. This has led to increased attention from legislators, scientists and practitioners to the issue of free legal aid adjustment.

On August 3, 2006, the Standard Regulation on Legal Clinic was adopted, according to which all higher education institutions training specialists in the field of "Law", regardless of ownership and subordination, were to ensure the establishment of legal clinics [1] giving a new impetus for the higher legal education development.

Legal clinics, in accordance with the regulation, should provide free legal aid for the protection of human rights and freedoms and organizations in all areas of law in accordance with current legislation of Ukraine [1].

However, on June 2, 2011, the Law of Ukraine "On Free Legal Aid" was adopted, in which the subjects of providing free primary legal aid in Ukraine are:

- 1) executive authorities;
- 2) local governments;
- 3) individuals and legal entities of private law;
- 4) specialized institutions;
- 5) centers for free secondary legal aid [2].

As we can see legal clinics are not listed among the subjects of free legal aid provision.

We share the point of view of Sh.B. Davlatov that legal clinics have essential features of the subjects of free primary legal aid, namely:

1. The types of activities of a legal clinic, defined by the Standard Regulation on a Legal Clinic, include types of legal services that belong to the types of free primary legal aid in accordance with the Law of Ukraine "On Free Legal Aid".

2. Legal clinic meets the requirements for free legal aid, in accordance with the Standard Regulation on Legal Clinic [3, p. 36].

However, despite the fact that legal clinics have the characteristics of the subjects providing free primary legal aid, they can not be included in any of the types of these entities referred to in Art. 9 of the Law of Ukraine "On Free Legal Aid". This circumstance is a significant gap in the regulatory framework, as it considerably limits the capabilities of legal clinics. Thus, the legal status of legal

clinics requires to be clarified.

It should be noted that, in practice, legal clinics are recognized as subjects providing free primary legal aid. Thus, between Dnipropetrovs'k State University of Internal Affairs and the Centers for Free Secondary Aid in Dnipro and Dnipropetrovs'k region, memoranda of understanding on joint activities as to free legal aid provision were signed. In these documents, the legal clinic "Istyna" of Dnipropetrovs'k State University of Internal Affairs appears in a role of the subject providing primary legal aid.

During Legal Clinic "Istyna" functioning, more than 1,000 citizens received primary free legal aid on various legal issues.

Students (cadets) -consultants of the legal clinic are constantly improving their knowledge and possess a high level of practical skills, which makes it possible to provide free legal aid of high quality. In case of certain difficulties, qualified lecturerers are involved in the legal advice provision, who, together with students, take a comprehensive approach to resolving issues addressed by clients.

According to the experience of the legal clinic "Istyna" of Dneipropetrovs'k State University of Internal Affairs and in accordance with the Regulation "On the legal clinic "Istyna " of DSUIA" the following forms of legal assistance can be mentioned, namely: legal information, advice, clarification on legal issues; preparation of applications, complaints and other legal documents (except for procedural documents); providing assistance in ensuring a person's access to secondary legal aid and mediation [3].

Thus, legal clinics are a crucial component of the free legal aid institution establishment. Everyone's right to legal aid, enshrined in the Constitution of Ukraine, can be realized only through such a system of free legal aid provision in Ukraine, where legal clinics will play an important role. The more entities provide free legal aid in Ukraine, the more accessible it will be.

The system of free primary legal aid should be formed and improved taking into account the role and experience of legal clinics. However, the issue of providing secondary free legal aid by legal clinics remains controversial.

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1. On Approval of the "Standard Regulation on the Legal Clinic of the Higher Educational Institution of Ukraine": Order of the Ministry of Education and Science of Ukraine dated 03.08.2006 № 592. URL: <https://zakon.rada.gov.ua/laws/show/z0956-06#Text>

2. On Free Legal Aid: Law of Ukraine of June 2, 2011 № 3460-VI. Information of the Verkhovna Rada of Ukraine. 2011. № 51. p.577. URL: <https://zakon.rada.gov.ua/laws/show/3460-17#Text>

3. Davlatov Sh.B., Role, Tasks and Organizational and Legal Principles of Legal Clinics. Legal Position. № 1 (16). 2016. pp. 33–37.

4. On Approval of the Regulation "On the Legal Clinic "Istyna" of the State University of Internal Affairs: Order of the State University of Internal Affairs of April 27, 2017 № 295.